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# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

13501-13700

#### FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., June 16, 1949.

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#### BEVERAGES AND BEVERAGE MATERIALS

**13501. Misbranding of beer. U. S. v. Indianapolis Brewing Co., Inc., and Lawrence P. Bardin. Pleas of guilty. Fine of \$600 against company; fine of \$1,000 and sentence of 6 months in jail against individual.** (F. D. C. No. 21509. Sample Nos. 53053-H, 53058-H, 66944-H.)

**INFORMATION FILED:** February 24, 1947, Southern District of Indiana, against Indianapolis Brewing Co., Inc., Indianapolis, Ind., and Lawrence P. Bardin, general manager.

**ALLEGED SHIPMENT:** On or about July 27 and August 4 and 9, 1946, from the State of Indiana into the States of Ohio and Missouri.

**LABEL, IN PART:** "IBC Beer."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the bottle label bore the statement "Contents 12 Fluid Oz." and the bottles contained less than 12 fluid ounces net volume of the article.

**DISPOSITION:** Pleas of guilty were entered on behalf of the defendants. On April 30, 1948, the court imposed a fine of \$1,000 and a sentence of 6 months in jail against the individual, and on May 5, 1948, the court imposed a fine of \$600 against the company.

**13502. Adulteration of blackberry and grape wine. U. S. v. 41 Cases, etc. (and 1 other seizure action).** F. D. C. Nos. 22713, 22731. Sample Nos. 65808-H, 91032-H.)

**LIBELS FILED:** March 19 and 28, 1947, Southern District of New York and Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about January 24 and February 28, 1947, by Monte Carlo Wine Co., Inc., from New Brunswick, N. J.

**PRODUCT:** Blackberry wine. 41 cases each containing 12 fifth-gallon bottles, 63 cases each containing 6 half-gallon bottles, 177 cases each containing 24 1-pint bottles, and approximately 4,104 gallons at Philadelphia, Pa.

Grapewine. 1,500 gallons at Bronx, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law, since it is a substance not required in the production of the product and could have been avoided by good manufacturing practice.

**DISPOSITION:** June 16, 1947. Monte Carlo Wine Co., Inc., claimant for the Philadelphia lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the recovery of alcohol by distillation, under the supervision of the Food and Drug Administration. On October 22, 1947, no claimant having appeared for the other lot, judgment of condemnation was entered and the product was ordered destroyed.

**13503. Adulteration of wine. U. S. v. 30 Cases, etc. (F. D. C. No. 23151. Sample Nos. 3799-H, 85461-H, 85462-H.)**

**LIBEL FILED:** On or about May 29, 1947, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about April 9, 1947, by the Car-Cal Winery, from Greensboro, N. C.

**PRODUCT:** Wine. 60 cases each containing 12 fifth-gallon bottles, 70 cases each containing 6 1/2-gallon jugs, and 94 cases each containing 4 1-gallon jugs at Richmond, Va.

**LABEL, IN PART:** "Old Duke Brand American \* \* \* Wine."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law, since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

**DISPOSITION:** July 3, 1947. Default decree of condemnation and destruction.

**13504. Adulteration of grape wine. U. S. v. 45 Cases \* \* \*. (F. D. C. No. 23105. Sample No. 65776-H.)**

**LIBEL FILED:** May 5, 1947, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about April 9, 1947, by the Atlas Import & Export Corp., from New York, N. Y.

**PRODUCT:** 45 cases, each containing 6 half-gallon bottles, of wine at Philadelphia, Pa.

**LABEL, IN PART:** "B & S American Grape Wine."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

**DISPOSITION:** August 13, 1947. Default decree of condemnation and destruction.



**13505. Misbranding of Sepeco. U. S. v. Sethness Products Co. and Charles H. Sethness, Jr. Pleas of guilty. Fine, \$500 and costs. (F. D. C. No. 24228. Sample Nos. 14063-H, 23656-H, 38161-H, 48950-H, 49716-H, 56385-H.)**

**INFORMATION FILED:** April 2, 1948, Northern District of Illinois, against the Sethness Products Co., a corporation, Chicago, Ill., and Charles H. Sethness, Jr., president.

**ALLEGED SHIPMENT:** Between the approximate dates of October 30, 1945, and May 13, 1946, from the State of Illinois into the States of Indiana, Texas, Wisconsin, Alabama, and Oklahoma.

**LABEL, IN PART:** "Sepco A Tasteless Fermentation Inhibitor."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the labeling of the article was misleading since the label statement "Sepco A Tasteless Fermentation Inhibitor" coupled with the following directions for use appearing variously on the labels, i. e., "Directions \* \* \* add one fluid ounce to each 125 pounds of finished product," "Directions \* \* \* add 1/2 fluid ounce to each gallon of bottling syrup or each 6 gallons of finished drink," or "Directions: Use One Oz. To 100 Lbs.," represented to purchasers that the article was wholesome and suitable for use as a component of foods for man, whereas the article contained quarternary ammonium chloride, a poisonous and deleterious substance, and the label failed to reveal the material fact in the light of the aforesaid representations on the label, that the article contained a poisonous and deleterious substance.

**DISPOSITION:** June 28, 1948. Pleas of guilty having been entered on behalf of the defendants, a fine of \$500 was imposed, together with costs. Payment by either defendant would satisfy payment of the fine in full.

**13506. Adulteration and misbranding of beverage base. U. S. v. 60 Gallons \* \* \*. (F. D. C. No. 23355. Sample No. 77817-H.)**

**LIBEL FILED:** July 11, 1947, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about June 6, 1947, by the Sun-Dale Corp., from Denver, Colo.

**PRODUCT:** 60 gallons of grape beverage base at Spokane, Wash.

**LABEL, IN PART:** "Grape Contains Water, True-Fruit Grape Extract, Lemon Juice, Citric Acid, Citrus Oils, Sugar, Artificial Color and Flavor, 0.1% Sodium Benzoate."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, grape juice, true fruit grape extract, and lemon juice had been omitted in whole or in part; and, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label designation "Grape" and the statement "Contains \* \* \* True-Fruit Grape Extract" were false and misleading as applied to the product, which was an acidulated, artificially flavored and colored solution of sugar or sugars, containing none or an insignificant amount of grape juice or true fruit grape extract.

**DISPOSITION:** September 2, 1947. Default decree of condemnation and destruction.

**13507. Adulteration of soda pop. U. S. v. Coca-Cola Bottling Company of Shamrock. Plea of guilty. Fine, \$150. (F. D. C. No. 23231. Sample Nos. 72579-H to 72581-H, incl.)**

**INFORMATION FILED:** September 6, 1947, Northern District of Texas, against the Coca-Cola Bottling Co. of Shamrock, a partnership, Shamrock, Tex.

**ALLEGED SHIPMENT:** On or about November 21, 1946, from the State of Texas into the State of Oklahoma.

**LABEL, IN PART:** "Orange-Crush Soda," "Imitation Strawberry Soda," or "2 Way."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been omitted; Section 402 (b) (2), a beverage sweetened in part with saccharin had been substituted for a beverage sweetened with sugar; and, Section 402 (b) (4), saccharin had been added to the food and mixed with it so as to reduce its quality.



DISPOSITION: May 20, 1948. A plea of guilty having been entered, the defendant was fined \$150.

**13508. Adulteration of cola sirup. U. S. v. 47 Jars \* \* \*. (F. D. C. No. 22112. Sample No. 54339-H.)**

**LIBEL FILED:** December 23, 1946, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about November 4, 1946, by Flavour Industries, Inc., from Chicago, Ill.

**PRODUCT:** 47 1-gallon jars of sirup at Biscoe, N. C.

**LABEL, IN PART:** "Leola Cola Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (4), saccharin, having no food value, had been added to the article and mixed therewith so as to reduce its quality or strength and make it appear to be a fountain sirup sweetened with sugar, which is better and of greater value than the article was.

**DISPOSITION:** March 21, 1947. Default decree of condemnation and destruction.

**13509. Adulteration and misbranding of grape juice. U. S. v. Lillian Goodman and Hyman Goodman (Goodman Products Co.). Pleas of nolo contendere. Fine of \$1,600 against each defendant. (F. D. C. No. 14299. Sample No. 76220-F.)**

**INFORMATION FILED:** March 11, 1946, Eastern District of New York, against Lillian Goodman and Hyman Goodman, partners, trading as the Goodman Products Co., Brooklyn, N. Y.

**ALLEGED SHIPMENT:** On or about April 21, 1944, from the State of New York into the State of New Jersey.

**LABEL, IN PART:** "Paradise Brand Cont. 1 Fl. Quart Pure Concord Grape Juice Sugar Added Packed By Paradise Packing Co. 68 Jay St. Brooklyn, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a phosphated and sweetened mixture of grape juice and water had been substituted in whole or in part for "Grape Juice Sugar Added," which the article was represented to be; and, Section 402 (b) (4), water had been added to the article and had been mixed and packed with it so as to reduce its quality and strength.

Misbranding, Section 403 (a), the label statements "Pure Concord Grape Juice Sugar Added. This Grape Juice is the Pure Juice of the Ripe Concord Grape" were false and misleading, since the article did not consist of pure Concord grape juice, but did consist of a phosphated and sweetened mixture of grape juice and water; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the bottles of the article contained less than one fluid quart, the amount declared on the labels.

**DISPOSITION:** The defendants having entered a plea of not guilty, the case came on for trial on May 14, 1947, and continued through May 15 and 16. Before the completion of the trial the defendants offered pleas of nolo contendere, which were accepted by the court. On May 29, 1947, the court imposed a sentence of \$1,600 against each defendant.

**13510. Adulteration of pineapple juice. U. S. v. 313 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 24472, 24636, 24948. Sample Nos. 14866-K, 14914-K, 18553-K.)**

**LIBELS FILED:** On or about March 11, May 21, and June 15, 1948, Southern District of Indiana and Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 16 and 18 and October 6, 1947, and February 2, 1948, from Lawrenceburg, Ind., and New York, N. Y., by Schenley Affiliates, the Schenley Distributing Co., and the Schenley Distilling Corp.

**PRODUCT:** Pineapple juice. 313 cases at Hines, Ill., 2,492 cases at Lawrenceburg, Ind., and 12 cases at Cicero, Ill. Each case contained 6 cans.

**LABEL, IN PART:** "Pineapple Juice Blue Diamond Brand Contents 2 Qts. 1 Pt. 15 Fl. Ozs. Packed by Corozal Canning Co., Inc., Corozal, Puerto Rico."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of the presence of fly eggs, maggots, decomposed pineapple material, and moldy pineapple juice.

**DISPOSITION:** September 8 and 24 and October 27, 1948. Default decrees of condemnation and destruction.

**13511. Adulteration of tomato juice. U. S. v. Charles A. Shuttleworth (Salamonie Packing Co.). Plea of guilty. Fine, \$400 and costs. (F. D. C. No. 20467. Sample Nos. 10686-H, 14041-H, 14487-H, 35005-H.)**

**INFORMATION FILED:** August 27, 1946, Northern District of Indiana, against Charles A. Shuttleworth, trading as the Salamonie Packing Co., Warren, Ind.

**ALLEGED SHIPMENT:** On or about September 20 and 29 and October 3, 1945, from the State of Indiana into the States of Ohio, Missouri, and New York.

**LABEL, IN PART:** "Leadway Tomato Juice \* \* \* Packed for Leadway Foods Chicago, Ill. San Francisco, Calif.," "Weideman Boy Brand Tomato Juice The Weideman Co. Distributors—Cleveland, O.," or "Salamonie Tomato Juice Packed by Salamonie Packing Co. Warren, Ind."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** May 28, 1948. A plea of guilty having been entered, the defendant was fined \$400 and costs.

**13512. Adulteration of tomato juice. U. S. v. 134 Cases \* \* \*. (F. D. C. No. 24397. Sample No. 28148-K.)**

**LIBEL FILED:** January 7, 1948, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about October 13, 1947, by the Colo-Flavor Products Co., Palisade, Colo.

**PRODUCT:** 134 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Amarillo, Tex.

**LABEL, IN PART:** "Red & White Brand Tomato Juice Contents 1 Quart 14 Fld. Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance and was unfit for food by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 6, 1948. Default decree of condemnation and destruction.

**13513. Adulteration and misbranding of tomato juice. U. S. v. 1,344 Cases \* \* \*. (F. D. C. No. 24656. Sample No. 6450-K.)**

**LIBEL FILED:** May 28, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about March 19 and 23, 1948, by United Public Markets, Inc., from Pawtucket, R. I. These were return shipments.

**PRODUCT:** 1,344 cases, each containing 12 46-fluid-ounce cans, of tomato juice at Egypt, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for canned tomato juice, since it had not been processed by heat so as to prevent spoilage.

**DISPOSITION:** August 3, 1948. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**13514. Adulteration of bread. U. S. v. Chambersburg Baking Co. Plea of nolo contendere. Fine, \$225; payment of \$75 of fine suspended. Defendant placed on probation for 1 year. (F. D. C. No. 24803. Sample Nos. 3432-K to 3434-K, incl.)**

**INFORMATION FILED:** July 2, 1948, Middle District of Pennsylvania, against the Chambersburg Baking Co., a corporation, Chambersburg, Pa.

**ALLEGED SHIPMENT:** On or about March 17, 1948, from the State of Pennsylvania into the State of Maryland.

**LABEL, IN PART:** "Capital Mother's Enriched \* \* \* Manufactured and Packed By Capital Bakers, Inc. Harrisburg, Penna."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect larval cast skins, insect fragments, rodent hair fragments, feather fragments, an insect larval head capsule, and a feather fragment; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 11, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$75 on each of the 3 counts of the information. The fine on count 3 was suspended, and the defendant was placed on probation for 1 year.

**13515. Adulteration of bread. U. S. v. The Kroger Co. Plea of nolo contendere. Fine, \$1,000.** (F. D. C. No. 24539. Sample Nos. 26412-K, 26413-K, 26817-K to 26820-K, incl.)

**INFORMATION FILED:** September 24, 1948, Western District of Tennessee, against the Kroger Co., a corporation, Memphis, Tenn.

**ALLEGED SHIPMENT:** On or about September 17, 19, and 20, 1947, from the State of Tennessee into the State of Arkansas.

**LABEL, IN PART:** "Kroger Rye Bread [or "Raisin Bread," or "Sliced White Bread"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and a rodent hair fragment; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 29, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000.

**13516. Adulteration and misbranding of bread. U. S. v. Mel's Cookie Co. (Meyer's Bakery of Texarkana), and Dayton E. Shermer, Sr. Pleas of nolo contendere. Joint fine of \$200; suspension of additional fine of \$500.** (F. D. C. No. 24535. Sample Nos. 22608-K, 22610-K.)

**INFORMATION FILED:** April 20, 1948, Eastern District of Texas, against Mel's Cookie Co., a corporation, trading as Meyer's Bakery of Texarkana, at Texarkana, Tex., and Dayton E. Shermer, Sr., president.

**ALLEGED SHIPMENT:** On or about October 21 and 22, 1947, from the State of Texas into the State of Arkansas.

**LABEL, IN PART:** "Meyer's Fresh Bread."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (a), the label statements "One half pound of this bread supplies you with at least the following amounts or percentages of your minimum daily requirements for these essential food substances: Thiamine (Vitamin B<sub>1</sub>) 55%; Riboflavin (Vitamin B<sub>2</sub>) 17.5%; Niacin (another 'B' Vitamin) 5 milligrams" were false and misleading since one-half pound of the article contained less than 55 percent of the minimum daily requirement for thiamine (vitamin B<sub>1</sub>), less than 17.5 percent of the minimum daily requirement for riboflavin (vitamin B<sub>2</sub>), and less than 5 milligrams of niacin.

**DISPOSITION:** June 17, 1948. Pleas of nolo contendere having been entered, the defendants were jointly fined \$200 on counts 1 and 2. In addition, the defendants were fined \$500 on counts 3 and 4, which fine was suspended on condition that an attempt be made in good faith to comply with the law.

**13517. Misbranding of bread. U. S. v. Eddy Bakery, Boise, Inc., James E. O'Connell, and Haskell Preffer. Pleas of nolo contendere. Corporation fined \$230; each individual defendant fined \$10.** (F. D. C. No. 24813. Sample Nos. 75270-H, 75271-H, 77839-H, 36115-K to 36117-K, incl., 36119-K to 36122-K, incl.)

**INFORMATION FILED:** July 2, 1948, District of Idaho, against Eddy Bakery, Boise, Inc., Boise, Idaho, James E. O'Connell, president, and Haskell Preffer, manager of the Boise, Idaho, plant.



**ALLEGED SHIPMENT:** Between the approximate dates of June 23 and October 2, 1947, from the State of Idaho into the States of Nevada and Oregon.

**LABEL, IN PART:** "Eddy's Pan Dandy White Bread \* \* \* 1 Lb. [or "1½ Lbs.]," "Eddy's Potato Bread Net Weight 1 Lb. 8 Ozs.," "Eddy's Honey Curled Wheat Bread \* \* \* Wt. 1 Lb.," or "Eddy's Raisin Bread 1 Lb."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the following statements on the labels of the white bread and potato bread, "One half pound of this bread supplies you with at least the following amount or percentages of your minimum daily requirement for these essential food substances: Thiamine (Vitamin B<sub>1</sub>) 55%; riboflavin (Vitamin B<sub>2</sub>) 17.5%; niacin (another 'B' Vitamin) 5 milligrams; iron 40%," were false and misleading, since one-half pound of the bread would provide less than 55 percent of the minimum daily requirements of thiamine and less than 5 milligrams of iron and (one lot of white bread and one lot of potato bread) less than 17.5 percent of the minimum daily requirements of riboflavin and less than 5 milligrams of niacin; and, Section 403 (e) (2), all of the bread failed to bear labels containing accurate statements of the quantity of the contents. (The loaves of bread weighed less than the labeled weight.)

**DISPOSITION:** September 7, 1948. Pleas of nolo contendere having been entered on behalf of the defendants, the corporation was fined \$230 and each individual defendant was fined \$10.

**13518. Adulteration of cakes and sweet rolls. U. S. v. Monroe Bakery, Inc., and L. Gene Corley. Pleas of guilty. Individual defendant fined \$100; both defendants placed on probation for 5 years. (F. D. C. No. 24826. Sample Nos. 22810-K, 22811-K, 22815-K.)**

**INFORMATION FILED:** July 19, 1948, Western District of Louisiana, against Monroe Bakery, Inc., Monroe, La., and L. Gene Corley, president and general manager.

**ALLEGED SHIPMENT:** On or about March 18, 1948, from the State of Louisiana into the State of Mississippi.

**LABEL, IN PART:** "Fine Cake 10¢," "Fine Sweet Rolls 15¢," and "Ideal Cake 25¢."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hairs, larvae, feather barbules, a larva head, a vinegar fly, and an insect part; and, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** October 5, 1948. Pleas of guilty having been entered, the court imposed a fine of \$100 against the individual defendant and placed each defendant on probation for 5 years.

**13519. Adulteration of cakes and sweet rolls. U. S. v. Portsmouth Cake & Cookie Co. Plea of guilty. Fine, \$450. (F. D. C. No. 24552. Sample Nos. 2442-K, 19103-K, 19104-K.)**

**INFORMATION FILED:** May 11, 1948, Southern District of Ohio, against the Portsmouth Cake & Cookie Co., a partnership, Portsmouth, Ohio.

**ALLEGED SHIPMENT:** On or about November 13 and 23, 1947, from the State of Ohio into the States of West Virginia and Kentucky.

**LABEL, IN PART:** "Ol' Home Devils Food Cake [or "Fruit Cake" or "Sweet Rolls"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** May 28, 1948. A plea of guilty having been entered, the court imposed a fine of \$450.

**13520. Adulteration of fruit cake. U. S. v. 50 Cases, etc. (F. D. C. No. 22208. Sample Nos. 54349-H, 54350-H.)**

**LIBEL FILED:** January 23, 1947, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about September 11 and 23, 1946, by the Karl Baking Co., from Newark, N. J.



PRODUCT: 73 cases, each containing 24 1¼-pound cans, of fruit cake at Troy, N. C.

LABEL, IN PART: "Dumbarton Oaks Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: September 10, 1947. The Karl Baking Co. having appeared as claimant and denied the allegations of the libel, and an order having been subsequently entered at the request of the claimant allowing it to withdraw from the case without prejudice to itself, judgment of condemnation was entered and the product was ordered destroyed.

**13521. Adulteration of cakes, cookies, and doughnuts. U. S. v. Illinois Doughnut & Cake Co. and Nicholas Thomas. Motion denied for dismissal of information. Pleas of guilty. Fine of \$500 and costs against company and fine of \$200 and costs against individual. (F. D. C. No. 22006. Sample Nos. 17032-H to 17035-H, incl., 17041-H to 17046-H, incl.)**

INFORMATION FILED: April 2, 1947, Northern District of Illinois, against the Illinois Doughnut & Cake Co., a corporation, Chicago, Ill., and Nicholas Thomas, president.

ALLEGED SHIPMENT: On or about May 14 and September 3, 1946, from the State of Illinois into the State of Indiana.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent and cat hairs, hair resembling rodent and cat hair, insect parts, insect fragments, and moldy fruit tissue; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 25, 1948. A motion to dismiss the information having been denied, pleas of guilty were entered on behalf of the defendants. The court imposed a fine of \$500 and costs against the company and a fine of \$200 and costs against the individual.

**13522. Adulteration of cookies. U. S. v. Midwest Biscuit Co., a corporation, and Richard H. Delaney and Robert Hartman. Pleas of guilty. Corporation fined \$60 and each individual defendant fined \$20. (F. D. C. No. 24512. Sample Nos. 20932-K, 24849-K.)**

INFORMATION FILED: June 1, 1948, Southern District of Iowa, against the Midwest Biscuit Co., Burlington, Iowa, and Richard H. Delaney, vice president, and Robert Hartman, superintendent of the Burlington plant.

ALLEGED SHIPMENT: On or about October 14 and 20, 1947, from the State of Iowa into the State of Missouri.

LABEL, IN PART: "Excellent."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 1, 1948. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined \$60 and each individual defendant was fined \$20, plus costs.

**13523. Adulteration of cookies. U. S. v. Dad's Cookie Co., Inc., and Jules Waskow. Pleas of nolo contendere. Defendants each fined \$120. (F. D. C. No. 24774. Sample Nos. 54933-H, 8758-K, 8760-K, 8771-K, 9792-K, 9795-K.)**

INFORMATION FILED: May 27, 1948, District of New Jersey, against Dad's Cookie Co., Inc., Newark, N. J., and Jules Waskow, secretary-treasurer.

ALLEGED SHIPMENT: Between the approximate dates of March 15 and November 12, 1947, from the State of New Jersey into the States of Georgia and New York.

LABEL, IN PART: "A B C Chocolate Fudge Tarties [or "A B C Rum & Brandy Spice Drops," or "Scotch Oatmeal Cookies"] \* \* \* Affiliated Bakers Company New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insects, insect fragments, and larvae.

DISPOSITION: July 26, 1948. Pleas of nolo contendere having been entered, each defendant was fined \$120.



**13524. Adulteration of cookies. U. S. v. Mrs. Hubbell's Bakeries, Inc., and C. James Maxfield, Jr. Plea of nolo contendere by corporation; fine, \$751. Plea of not guilty by C. James Maxfield, Jr.; judgment of acquittal. (F. D. C. No. 24789. Sample Nos. 55528-H, 55529-H.)**

**INFORMATION FILED:** June 17, 1948, Eastern District of Pennsylvania, against Mrs. Hubbell's Bakeries, Inc., Phoenixville, Pa., and C. James Maxfield, Jr., president of the corporation.

**ALLEGED SHIPMENT:** On or about June 17 and 27, 1947, from the State of Pennsylvania into the State of North Carolina.

**LABEL, IN PART:** "Town Toast Cookies."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 14, 1948. The corporation having entered a plea of nolo contendere, it was fined \$751; the individual defendant having entered a plea of not guilty, judgment of acquittal was entered and he was ordered discharged.

**13525. Adulteration of cookies. U. S. v. Town Toast Co., a partnership, and Ernest H. Hubbell. Plea of guilty by partnership; fine, \$755. Plea of not guilty by Ernest H. Hubbell; judgment of acquittal. (F. D. C. No. 24790. Sample Nos. 48836-H, 48837-H, 91305-H, 1018-K to 1020-K, incl.)**

**INFORMATION FILED:** June 17, 1948, Eastern District of Pennsylvania, against the Town Toast Co., Phoenixville, Pa., and Ernest H. Hubbell, a partner.

**ALLEGED SHIPMENT:** On or about February 18 and March 6, 1947, and January 8, 1948, from the State of Pennsylvania into the States of Texas, New York, and Florida.

**LABEL, IN PART:** "Town Toast Peanut-Buttered Lassies," "Town Toast Creams," "Old Fashioned Lassies," or "Southern Joy."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments and insect parts; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 14, 1948. The partnership having entered a plea of guilty, it was fined \$755; the individual defendant having entered a plea of not guilty, judgment of acquittal was entered and he was ordered discharged.

**13526. Adulteration of cookies. U. S. v. Weston Biscuit Co., Inc. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 24795. Sample Nos. 12423-K, 12426-K.)**

**INFORMATION FILED:** June 18, 1948, Western District of New York, against Weston Biscuit Co., Inc., Salamanca, N. Y.

**ALLEGED SHIPMENT:** On or about November 13, 1947, from the State of New York into the State of Pennsylvania.

**LABEL, IN PART:** "Old Fashioned Oatmeal Cookies," or "Weston's Crack-Ettes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 13, 1948. A plea of nolo contendere having been entered, the defendant was fined \$200.

**13527. Adulteration of cookies and candy. U. S. v. Johnson Biscuit Co., a corporation, and Charles R. McKenna. Pleas of guilty. Corporation fined \$1,350 and costs; individual fined \$45. (F. D. C. No. 24802. Sample Nos. 20384-K, 20385-K, 24333-K to 24338-K, incl., 25054-K, 25056-K, 25058-K.)**

**INFORMATION FILED:** June 29, 1948, Northern District of Iowa, against the Johnson Biscuit Co., Sioux City, Iowa, and Charles R. McKenna, president.

**ALLEGED SHIPMENT:** On or about January 6, 19, and 21, 1948, from the State of Iowa into the States of Oklahoma, Minnesota, and South Dakota.

**LABEL, IN PART:** (Cookies) "Cocoa-Puff," "Tango," "Honey Squares," "Devils Food," "Iced Devils Cake," "Pinketts," or "Delmont"; (candy) "La Fama."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hair fragments, and feather fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 7, 1948. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined \$1,350, plus costs. The individual defendant was fined \$45.

**13528. Adulteration of crackers. U. S. v. Chattanooga Bakery, Inc. Plea of nolo contendere. Fine, \$800 and costs. (F. D. C. No. 24784. Sample Nos. 229-K, 230-K, 19051-K, 19053-K.)**

**INFORMATION FILED:** June 2, 1948, Eastern District of Tennessee, against Chattanooga Bakery, Inc., Chattanooga, Tenn.

**ALLEGED SHIPMENT:** On or about October 20 and 22 and December 23, 1947, from the State of Tennessee into the States of Kentucky and Georgia.

**LABEL, IN PART:** "Delta Sodas," or "Honeys Graham Crackers."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, larvae, and an insect; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** On or about October 15, 1948, a plea of nolo contendere having been entered, the defendant was fined \$800, together with costs.

**13529. Adulteration of pies. U. S. v. Mallis Pie Bakery, a partnership, and Peter Mallis. Pleas of nolo contendere. Partnership fined \$1; individual defendant fined \$250 and sentenced to 1 year in prison. Prison sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 24102. Sample No. 13023-K.)**

**INFORMATION FILED:** March 1, 1948, Eastern District of Pennsylvania, against Mallis Pie Bakery, Philadelphia, Pa., and Peter Mallis, a partner.

**ALLEGED SHIPMENT:** On or about October 21, 1947, from the State of Pennsylvania into the State of New Jersey.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 17, 1948. Pleas of nolo contendere having been entered by the defendants, the partnership was fined \$1 and the individual defendant was fined \$250 and sentenced to 1 year's imprisonment. The jail sentence was suspended and the individual was placed on 2 years' probation. It was also provided that the premises be inspected in one week and that if found insanitary, the probation was to be revoked.

**13530. Adulteration of pretzels. U. S. v. American Cone & Pretzel Co. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 24558. Sample Nos. 13020-K to 13022-K, incl., 18824-K to 18827-K, incl., 26834-K.)**

**INFORMATION FILED:** May 10, 1948, Eastern District of Missouri, against the American Cone & Pretzel Co., a corporation, St. Louis, Mo.; amended information filed July 2, 1948.

**ALLEGED SHIPMENT:** On or about September 16 and 29 and October 6 and 7, 1947, from the State of Missouri into the States of Pennsylvania, Tennessee, and Ohio.

**LABEL, IN PART:** (Portions) "Rold Gold Butter Pretzels," "Tiny Tim Pretzels," "Rold Gold Pretzels," or "Cocktail Sticks Rold Gold Pretzels."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect parts, rodent hair fragments, hair fragments resembling rodent hair fragments, and larvae head capsules; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 2, 1948. A plea of nolo contendere having been entered, the defendant was fined \$400.



**13531. Adulteration of pretzels. U. S. v. 10 Cans \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 23117, 23140. Sample Nos. 87530-H, 87564-H, 87565-H, 87567-H, 87568-H.)

**LIBELS FILED:** May 14 and 22, 1947, District of New Jersey and Eastern District of New York.

**ALLEGED SHIPMENT:** On or about April 15 and 16, 1947, by J. Reisman & Sons, Inc., from Philadelphia, Pa.

**PRODUCT:** Pretzels. 10 cans each containing 8 pounds at Newark, N. J., and 200 caddies each containing 7 pounds and 64 25-pound cartons at Brooklyn, N. Y.

**LABEL, IN PART:** "Reisman's Butter Pretzels Giant Rods [or "Pretzel Sticks," or "Butter Pretzels"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and rodent hair fragments and insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 23 and July 31, 1947. Default decrees of condemnation and destruction.

#### CORN MEAL

**13532. Adulteration of corn meal. U. S. v. Shankel Mill Co., Inc., and T. Dwight Shankel. Pleas of nolo contendere. Corporation and individual defendant each fined \$100.** (F. D. C. No. 24058. Sample Nos. 43139-H, 43140-H, 85672-H to 85676-H, incl.)

**INFORMATION FILED:** January 7, 1948, Western District of Virginia, against Shankel Mill Co., Inc., Bristol, Va., and T. Dwight Shankel, secretary-treasurer and miller.

**ALLEGED SHIPMENT:** On or about September 24 and October 5, 1946, and August 25 and 28, 1947, from the State of Virginia into the State of Tennessee.

**LABEL, IN PART:** "Shankel's Meal," or "Bolted Corn Meal \* \* \* White Seal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect larvae, larval head capsules, insect fragments, larval cast skins, rodent excreta pellet fragments, and rodent hair fragments.

**DISPOSITION:** April 12, 1948. Pleas of nolo contendere having been entered on behalf of the defendants, the corporation and individual defendants were each fined \$100.

**13533. Adulteration of corn meal. U. S. v. Ringgold Milling Co. and Dawson Winfield Durrett. Pleas of nolo contendere. Fines of \$600 against company and \$150 against individual.** (F. D. C. No. 24560. Sample Nos. 18101-K, 18102-K, 18106-K.)

**INFORMATION FILED:** May 12, 1948, Middle District of Tennessee, against the Ringgold Milling Co., a partnership, Clarksville, Tenn., and Dawson Winfield Durrett, a partner in the partnership.

**ALLEGED SHIPMENT:** On or about August 21 and September 2, 1947, from the State of Tennessee into the State of Kentucky.

**LABEL, IN PART:** "Ringgold Bolted Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larvae, insect fragments, rodent hair fragments, and rodent excreta fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 6, 1948. Pleas of nolo contendere having been entered, the court imposed fines of \$600 against the company and \$150 against the individual.

**13534. Adulteration of corn meal. U. S. v. McGinnis Co., Inc., and Herman E. Preston. Pleas of nolo contendere. Defendants placed on probation for 1 year; imposition of fine suspended.** (F. D. C. No. 24062. Sample Nos. 2403-K, 2404-K.)

**INFORMATION FILED:** February 23, 1948, Southern District of West Virginia, against McGinnis Co., Inc., Huntington, W. Va., and Herman E. Preston, mill manager.

**ALLEGED SHIPMENT:** On or about September 17, 1947, from the State of West Virginia into the State of Kentucky.

**LABEL, IN PART:** "Betty Baker Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect larvae, larval heads, larval head capsules, insect fragments, mites, psocids, rodent excreta pellet fragments, and rodent hair fragments.

**DISPOSITION:** October 19, 1948. Pleas of nolo contendere were entered on behalf of the defendants. Imposition of fine was suspended, and the defendants were placed on probation for a period of one year.

**13535. Adulteration of corn meal. U. S. v. Newport Co-Operative Mill, Inc. Plea of guilty. Fine, \$450.** (F. D. C. No. 24557. Sample Nos. 18128-K, 18634-K, 18635-K.)

**INFORMATION FILED:** June 2, 1948, Eastern District of Tennessee, against the Newport Co-Operative Mill Inc., Newport, Tenn.

**ALLEGED SHIPMENT:** On or about September 19 and October 10 and 17, 1947, from the State of Tennessee into the State of North Carolina.

**LABEL, IN PART:** "Log Cabin Bolted Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta fragments, insect fragments, and rodent hair fragments; and (one shipment), Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 20, 1948. A plea of guilty having been entered, the court imposed a fine of \$450.

**13536. Adulteration of corn meal. U. S. v. Berkley Feed Corp. Plea of guilty. Fine, \$250.** (F. D. C. No. 24089. Sample Nos. 90634-H, 3619-K.)

**INFORMATION FILED:** February 14, 1948, Eastern District of Virginia, against the Berkley Feed Corp., Norfolk, Va.

**ALLEGED SHIPMENT:** Between the approximate dates of March 26 and October 3, 1947, from the State of Virginia into the State of North Carolina.

**LABEL, IN PART:** "Plantation Table Meal Water Ground Style."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect larvae, larval head capsules, insect fragments, rodent excreta pellet fragments, larval cast skins, mites, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions, whereby it may have become contaminated with filth.

**DISPOSITION:** April 3, 1948. A plea of guilty having been entered, the court imposed a fine of \$250.

**13537. Adulteration of corn meal. U. S. v. the Cadick Milling Co. Plea of guilty. Fine, \$250.** (F. D. C. No. 24518. Sample Nos. 83185-H, 83186-H.)

**INFORMATION FILED:** June 14, 1948, Southern District of Indiana, against the Cadick Milling Co., a corporation, Grand View, Ind.

**ALLEGED SHIPMENT:** On or about August 7 and 25, 1947, from the State of Indiana into the State of Kentucky.

**LABEL, IN PART:** "Ballard Cream Corn Meal \* \* \* Distributed by Ballard & Ballard Co., Inc., Louisville, Ky."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta fragments.

**DISPOSITION:** November 5, 1948. A plea of guilty having been entered, the defendant was fined \$250.

**13538. Adulteration of corn meal. U. S. v. Banner Mill Co., Inc. Plea of nolo contendere. Fine, \$200 and costs.** (F. D. C. No. 24568. Sample Nos. 18135-K, 18628-K.)

**INFORMATION FILED:** On May 15, 1948, Eastern District of Tennessee, against Banner Mill Co., Inc., Greeneville, Tenn.



**ALLEGED SHIPMENT:** On or about August 18 and September 15, 1947, from the State of Tennessee into the States of Virginia and North Carolina.

**LABEL, IN PART:** "Sunrise Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta fragments.

**DISPOSITION:** September 22, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$200 and costs.

**13539. Adulteration of corn meal. U. S. v. 55 Bales \* \* \*. (F. D. C. No. 23366. Sample No. 68498-H.)**

**LIBEL FILED:** On or about July 8, 1947, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about January 30, 1947, by the O. A. Cooper Co., from Humboldt, Nebr.

**PRODUCT:** 55 bales, each containing 10 5-pound bags, of corn meal at St. Joseph, Mo.

**LABEL, IN PART:** "Cooper's Best \* \* \* White Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent hairs.

**DISPOSITION:** September 15, 1947. Default decree of destruction.

**13540. Adulteration of corn meal. U. S. v. 400 Bags, etc. (F. D. C. No. 23440. Sample No. 83163-H.)**

**LIBEL FILED:** September 4, 1947, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about August 12, 1947, by the Ewing Mill Co., from Ewing, Ind.

**PRODUCT:** Corn meal. 400 5-pound bags, 64 10-pound bags, and 24 25-pound bags at Louisville, Ky.

**LABEL, IN PART:** "Ewing Mills Pearl Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** October 1, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**13541. Adulteration of corn meal. U. S. v. 57 Bags, etc. (and 4 other seizure actions). (F. D. C. Nos. 24686, 25152, 25247, 25364, 25386. Sample Nos. 19091-K, 19629-K, 19640-K, 19641-K, 19644-K.)**

**LIBELS FILED:** March 29 and August 4, 9, 13, and 16, 1948, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about March 9 and July 12 and 26, 1948, by J. A. McDonald & Sons, from Rogersville, Tenn.

**PRODUCT:** Corn meal. 1,315 10-pound bags and 1,425 25-pound bags in various lots at Corbin, Middlesboro, Harlan, Baxter, and Williamsburg, Ky.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, rodent excreta, and insects; and, Section 402 (a) (4), (all lots except Corbin lot), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 27 and September 2, 7, and 9, 1948. Default decrees of condemnation. The product was ordered sold for use as animal feed, after being denatured so that it could not be used as human food.

**13542. Adulteration of corn meal and flour. U. S. v. J. A. McDonald & Sons and J. Raymond McDonald. Pleas of guilty. Defendants fined \$800 jointly. (F. D. C. No. 24773. Sample Nos. 18618-K, 18619-K, 18622-K, 18623-K.)**

**INFORMATION FILED:** May 25, 1948, Eastern District of Tennessee, against J. A. McDonald & Sons, a partnership, Rogersville, Tenn., and J. Raymond McDonald, a partner.

**ALLEGED SHIPMENT:** On or about October 13 and 14, 1947, from the State of Tennessee into the States of Kentucky and Virginia.

**LABEL, IN PART:** "Choice Corn Meal" or "White Rose [or "Early Breakfast"] Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence (in the corn meal) of larvae, insect fragments, and rodent excreta fragments, and (in the flour) of insect fragments and rodent hair fragments; and, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** September 20, 1948. Pleas of guilty having been entered on behalf of the defendants, a joint fine of \$800 was imposed.

**13543. Adulteration of corn meal and flour. U. S. v. Mountain City Mill Co., Inc., and Thomas Grundy Ragland. Pleas of nolo contendere. Defendants jointly fined \$1,000.** (F. D. C. No. 24797. Sample Nos. 18132-K, 22426-K, 22427-K, 22795-K.)

**INFORMATION FILED:** June 14, 1948, Eastern District of Tennessee, against Mountain City Mill Co., Inc., Chattanooga, Tenn., and Thomas Grundy Ragland, president.

**ALLEGED SHIPMENT:** On or about September 16, October 10, and November 15, 1947, from the State of Tennessee into the States of North Carolina and Alabama.

**LABEL, IN PART:** "Crystal Pearl Corn Meal" or "Orient \* \* \* Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of larvae, insect fragments, rodent excreta fragments, and rodent hair fragments; and, Section 402 (a) (4), the corn meal and one shipment of flour had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** September 2, 1948. Pleas of nolo contendere having been entered, the defendants were jointly fined \$1,000.

**13544. Adulteration of corn meal and flour. U. S. v. Huntland Milling Co. and Burke Spaulding. Pleas of nolo contendere. Defendants jointly fined \$400.** (F. D. C. No. 24805. Sample Nos. 18109-K, 18112-K, 18113-K.)

**INFORMATION FILED:** June 21, 1948, Eastern District of Tennessee, against the Huntland Milling Co., a partnership, Huntland, Tenn., and Burke Spaulding, a partner.

**ALLEGED SHIPMENT:** On or about August 19 and September 4, 1947, from the State of Tennessee into the State of Alabama.

**LABEL, IN PART:** "Ruby Corn Meal [or "Flour"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence (in the corn meal) of insects, larvae, insect fragments, and rodent excreta fragments, and (in the flour) of larvae, insect fragments, and a rodent hair fragment; and (1 lot of corn meal), Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 18, 1948. Pleas of nolo contendere having been entered, a joint fine of \$400 was imposed.

#### FLOUR\*

**13545. Adulteration of flour. U. S. v. Fayetteville Milling Co. and Earle H. Jones. Pleas of guilty. Joint fine of \$1,000.** (F. D. C. No. 24822. Sample Nos. 18116-K, 18117-K.)

**INFORMATION FILED:** July 15, 1948, Eastern District of Tennessee, against the Fayetteville Milling Co., a corporation, Fayetteville, Tenn., and Earle H. Jones, secretary-treasurer.

**ALLEGED SHIPMENT:** On or about August 13 and 28, 1947, from the State of Tennessee into the State of Alabama.

**LABEL, IN PART:** "Enriched Special Faultless Flour," or "Self-Rising Faultless Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

\*See also Nos. 13542-13544.



**DISPOSITION:** October 18, 1948. Pleas of guilty having been entered, the defendants were jointly fined \$1,000.

**13546. Adulteration of flour. U. S. v. 100 Bags \* \* \* (and 3 other seizure actions).** (F. D. C. Nos. 23344, 23347, 23508, 24592. Sample Nos. 77486-H, 77488-H, 85742-H, 91000-H, 32028-K.)

**LIBELS FILED:** Between July 7, 1947, and April 9, 1948, Western District of Wisconsin, District of Maryland, and Northern District of California.

**ALLEGED SHIPMENT:** Between June 16, 1947, and March 3, 1948, by the Russell Miller Milling Co., from Grand Forks and Mandan, N. Dak., and Sidney, Mont.

**PRODUCT:** Flour. 200 100-pound bags at Middleton, Wis., 750 100-pound bags at Cumberland, Md., and 1,000 100-pound bags at San Francisco, Calif.

**LABEL, IN PART:** "Russell-Miller Occident Milling Company Flour," "Powerful Flour," "Sweet Loaf Flour Bleached," "Occident Flour Bleached Unenriched," or "Producer Flour Bleached Bromated Unenriched."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent hair; and, Section 402 (a) (4), (Cumberland lot) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 2, 1947. The cases at Middleton, Wis., having been consolidated and the Russell Miller Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of as animal feed, under the supervision of the Food and Drug Administration. On April 20, 1948, the Coast-Dakota Flour Co., San Francisco, Calif., claimant for the San Francisco lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and used for stock feed, under the supervision of the Food and Drug Administration. Of 909 bags seized at San Francisco, 272 bags were denatured and disposed of as stock feed. On August 25, 1947, no claimant having appeared for the Cumberland lot, judgment of condemnation was entered and the flour seized (180 bags) was ordered sold for use as feed for animals, excluding dogs.

**13547. Adulteration of flour. U. S. v. 350 Bags \* \* \*. (F. D. C. No. 23991. Sample Nos. 8830-K, 8831-K.)**

**LIBEL FILED:** November 29, 1947, Northern District of New York.

**ALLEGED SHIPMENT:** On or about October 22, 1947, by Brown's Hungarian Corp., from Dover, Ohio.

**PRODUCT:** 350 100-pound bags of plain flour and 250 100-pound bags of cake flour at Binghamton, N. Y.

**LABEL, IN PART:** "The Perfect Patent Flour [or "Daylight Cake Flour"] Milled for Brown's Hungarian Corporation New York City."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, moth scales, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 13, 1948. The Hardesty Milling Co., Dover, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

**13548. Misbranding of flour. U. S. v. 41 Bags, etc. (F. D. C. No. 23422. Sample No. 91890-H.)**

**LIBEL FILED:** August 18, 1947, District of New Mexico.

**ALLEGED SHIPMENT:** On or about June 16 and 27, 1947, by the Fraser Milling Co., Hereford, Tex.

**PRODUCT:** 41 50-pound bags and 29 100-pound bags of flour at Albuquerque, N. Mex.

**LABEL, IN PART:** "Fraser's Sunny-Boy Extra High Quality Flour Mineral Rich."



**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements, "Mineral Rich ! ! \* \* \* Wheat Roots, such as pictured above, reach deep into the caliche base of Deaf Smith County soil and assimilate Calcium Phosphorus \* \* \* Calcium and Phosphorus in a high percentage. Sunny-Boy Flour \* \* \* contains more Calcium and Phosphorus than average standard flours," and the design of wheat roots and a man borne on the label were false and misleading since the product contained no more calcium and phosphorus than are found in average standard flours.

**DISPOSITION:** September 2, 1947. The Fraser Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

#### MACARONI AND NOODLE PRODUCTS

**13549. Adulteration of noodle products. U. S. v. Anthony Macaroni & Cracker Co., Anthony Bizzarri, and Edward A. Minni. Pleas of nolo contendere. Imposition of sentence suspended and defendants placed on probation for 1 year.** (F. D. C. No. 24808. Sample Nos. 30928-K, 31302-K.)

**INDICTMENT RETURNED:** July 28, 1948, Southern District of California, against the Anthony Macaroni & Cracker Co., a partnership, Los Angeles, Calif., and Anthony Bizzarri and Edward A. Minni, partners.

**ALLEGED SHIPMENT:** On or about November 11, 1947, and January 30, 1948, from the State of California into the State of Nevada.

**LABEL, IN PART:** "Anthony's La Paloma Pure Egg Noodles" or "Party Brand Egg Fusilli."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect, beetle, larval, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 1, 1948. Pleas of nolo contendere having been entered, imposition of sentence was suspended and the defendants were placed on probation for 1 year.

**13550. Adulteration and misbranding of egg noodles. U. S. v. Jaeger Noodle & Potato Chip Co. and Julius F. Jaeger. Pleas of guilty. Defendants each fined \$200 and costs.** (F. D. C. No. 24800. Sample No. 19213-K.)

**INFORMATION FILED:** June 22, 1948, Northern District of Ohio, against the Jaeger Noodle & Potato Chip Co., a partnership, Booth, Ohio, and Julius F. Jaeger, a partner.

**ALLEGED SHIPMENT:** On or about November 5, 1947, from the State of Ohio into the State of Michigan.

**LABEL, IN PART:** "Jaeger's Home Style Fresh Egg Noodles."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent, the solids of egg or egg yolk, had been in part omitted; and, Section 402 (b) (2), an article deficient in the solids of egg or egg yolk had been substituted in part for egg noodles.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for egg noodles, since the total solids of the food contained less than 5.5 percent by weight of the solids of egg or egg yolk.

**DISPOSITION:** August 17, 1948. Pleas of guilty having been entered, the defendants were each fined \$200, together with costs.

**13551. Adulteration of egg noodles. U. S. v. Dante Food Products Co., Inc. Plea of guilty. Fine of \$250 on each of 4 counts. Sentence suspended on counts 2, 3, and 4.** (F. D. C. No. 24798. Sample Nos. 6060-K, 6068-K, 6077-K, 7085-K.)

**INFORMATION FILED:** June 18, 1948, Western District of New York, against Dante Food Products Co., Inc., Buffalo, N. Y.

**ALLEGED SHIPMENT:** On or about January 17 and 19 and February 4, 1948, from the State of New York into the States of Ohio and Pennsylvania.



**LABEL, IN PART:** "Marigold Pure Egg Noodles."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 15, 1948. A plea of guilty having been entered, the defendant was fined \$250 on each of the 4 counts of the information. The sentence was suspended on all counts but count 1.

**13552. Adulteration of macaroni products. U. S. v. 60 Cases \* \* \*. (F. D. C. No. 23436. Sample No. 86893-H.)**

**LIBEL FILED:** August 29, 1947, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about July 14, 1947, by Roma Macaroni Mfg. Co., Inc., from Chicago, Ill.

**PRODUCT:** 60 20-pound cases of macaroni products at Des Moines, Iowa.

**LABEL, IN PART:** "New Castle Brand Alimentary Paste."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 9, 1947. Default decree of condemnation and destruction.

**13553. Adulteration and misbranding of macaroni and noodle products. U. S. v. 224 Cases, etc. (F. D. C. No. 23156. Sample Nos. 81870-H to 81880-H, incl.)**

**LIBEL FILED:** June 3, 1947, District of Idaho.

**ALLEGED SHIPMENT:** Between the approximate dates of February 18 and March 15, 1947, by U. S. Macaroni Mfg. Co., Inc., from Spokane, Wash.

**PRODUCT:** 1,087 cases, each containing 12 cellophane bags, of macaroni or noodle products at Boise, Idaho.

**LABEL, IN PART:** "Taystie Elbows" [or "Salads," "Frills," or "Shells"] or "U. S. Taystie Brand Real Chinese Type Ribbons [or "Chinese Noodles"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), (all lots except 94-case lot), products containing added carotene had been substituted for macaroni products or noodles, which the products were represented to be.

Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for macaroni products or egg noodles since they contained added carotene, which is not permitted as an optional ingredient; and, Section 403 (g) (2), (94-case lot) the product failed to conform to the definition and standard of identity, since its label failed to bear the name of the food specified in the definition and standard.

**DISPOSITION:** November 5, 1947. The shipper having consented to the entry of a decree, judgment was entered ordering the products released under bond to be sold to charitable institutions.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**13554. Adulteration of canned hominy. U. S. v. 249 Cases \* \* \*. (F. D. C. No. 24603. Sample No. 18952-K.)**

**LIBEL FILED:** April 21, 1948, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about October 7, 1947, by Swint's Cannery, from Paris, Tex.

**PRODUCT:** 249 cases, each containing 24 1-pound, 4-ounce cans, of hominy at Indianapolis, Ind.

**LABEL, IN PART:** "Hominy Golden Grain."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and decomposed kernels.

**DISPOSITION:** September 24, 1948. Default decree of forfeiture and destruction.

**13555. Adulteration of popcorn. U. S. v. 80 Bags \* \* \*. (F. D. C. No. 20903. Sample No. 52748-H.)**

**LIBEL FILED:** September 23, 1946, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 28, 1946, by William G. Scarlett & Co., from Baltimore, Md.

**PRODUCT:** 80 100-pound bags of popcorn at Cleveland, Ohio.

**LABEL, IN PART:** "Scarlett Oriole Brand Popcorn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect and rodent filth.

**DISPOSITION:** October 27, 1947. William G. Scarlett & Co. and the Cleveland Concession Co., Cleveland, Ohio, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

**13556. Adulteration of popcorn. U. S. v. 49 Bags \* \* \*. (F. D. C. No. 20905. Sample No. 53074-H.)**

**LIBEL FILED:** September 23, 1946, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 23, 1946, by the A. L. Bazzini Co., from New York, N. Y.

**PRODUCT:** 49 100-pound bags of popcorn at Cleveland, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect and rodent filth.

**DISPOSITION:** January 2, 1947. The A. L. Bazzini Co., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

**13557. Adulteration of baking mixes and breading meal. U. S. v. 75 Cases, etc. (F. D. C. No. 24000. Sample Nos. 26614-K to 26616-K, incl.)**

**LIBEL FILED:** On or about December 5, 1947, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 9, 1947, by East Food Sales, from Terre Haute, Ind. This was a return shipment.

**PRODUCT:** 75 cases, each containing 36 8-ounce cartons, of pie crust mix; 41 cases, each containing 36 10-ounce cartons, of biscuit mix; and 32 cases, each containing 24 10-ounce cartons, of breading meal at Mattoon, Ill.

**LABEL, IN PART:** "Savory Brand Pie Crust [or "Biscuit Mix" or "Seasoned Breading Meal"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of beetles and larvae.

**DISPOSITION:** February 24, 1948. Default decree of condemnation. The product was ordered sold for purposes other than for use as human food.

**13558. Adulteration of Donut Mix. U. S. v. 100 Bags, etc. (and 1 other seizure action). (F. D. C. Nos. 22837, 22949. Sample Nos. 91094-H, 91095-H, 91242-H.)**

**LIBELS FILED:** April 18 and 21, 1947, Northern and Eastern Districts of New York.

**ALLEGED SHIPMENT:** On or about February 24 and 28, 1947, by the Doughnut Corp. of America, Ellicott City, Md.

**PRODUCT:** Donut Mix. 200 100-pound bags at Albany, N. Y., and 542 100-pound bags at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and mites.

**DISPOSITION:** May 15 and June 17, 1947. Default decrees of condemnation and destruction.



## CHOCOLATE, SUGAR, AND RELATED PRODUCTS

## CHOCOLATE

**13559. Adulteration of chocolate coating. U. S. v. 208 Bags \* \* \*. (F. D. C. No. 25643. Sample No. 27466-K.)**

**LIBEL FILED:** September 16, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 8, 1947, and February 2, 1948, from Florin, Pa., and Springfield, Ohio.

**PRODUCT:** 208 bags, each containing 20 10-pound bars, of chocolate coating at St. Louis, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 11, 1948. The Carr Consolidated Biscuit Co., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The chocolate was cleaned by scraping the surfaces of the bars, after which a total of 36,380 pounds was released for sale and a total of 4,220 pounds was destroyed.

**13560. Adulteration of chocolate coating. U. S. v. 8 Bales \* \* \*. (F. D. C. No. 25445. Sample No. 45430-K.)**

**LIBEL FILED:** September 2, 1948, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 3, 1947, from Brooklyn, N. Y.

**PRODUCT:** 8 bales, each containing 20 10-pound slabs, of chocolate coating at Burlington, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects and mold. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 16, 1948. Default decree of condemnation and destruction.

## CANDY\*

**13561. Adulteration of candy. U. S. v. Meadors Manufacturing Co., Inc., Paskell D. Meadors, and Maurice M. Meadors. Pleas of nolo contendere. Corporation fined \$500 and each individual defendant fined \$250. Each defendant given additional fine of \$5,000, which was suspended, and placed on probation for 5 years. (F. D. C. No. 24812. Sample Nos. 645-K to 648-K, incl., 731-K, 826-K.)**

**INFORMATION FILED:** October 25, 1948, Western District of South Carolina, against Meadors Manufacturing Co., Inc., Greenville, S. C., Paskell D. Meadors, president, and Maurice M. Meadors, vice-president.

**ALLEGED SHIPMENT:** On or about December 2, 4, and 6, 1947, and January 2, 1948, from the State of South Carolina into the States of Florida and Georgia.

**LABEL, IN PART:** "Chocolate Fudge," "Carolina Fudge," "Big Apple," "Orange Slices," or "Peco Puffs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, and a rodent excreta pellet fragment; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 25, 1948. Pleas of nolo contendere having been entered on behalf of the defendants, the corporation was fined \$500 and the individual defendants were each fined \$250 on count 1. Each defendant was also fined \$1,000 on each of the other 5 counts, a total of \$15,000, but these were suspended and the defendants were placed on probation for a period of 5 years.

\*See also Nos. 13527, 13697.

**13562. Adulteration of candy. U. S. v. Lion Specialty Co., a corporation, and Americo F. Cuneo and Dominick Franklin. Pleas of guilty. Corporation fined \$1,500 and costs; each individual defendant fined \$250. (F. D. C. No. 24093. Sample Nos. 69442-H, 70036-H, 14201-K, 26406-K, 28401-K.)**

**INFORMATION FILED:** March 10, 1948, Northern District of Illinois, against the Lion Specialty Co., Chicago, Ill., and Americo F. Cuneo, president and treasurer, and Dominick Franklin, plant superintendent.

**ALLEGED SHIPMENT:** On or about August 5, 13, 14, and 15, 1947, from the State of Illinois, into the States of Missouri, Indiana, Michigan, and Colorado.

**LABEL, IN PART:** "Peanut Butter Kisses."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect parts, rodent hair, and hairs resembling cat hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 17, 1948. Pleas of guilty having been entered by the defendants, the corporation was fined \$1,500 and costs and the individual defendants were each fined \$250.

**13563. Adulteration of candy. U. S. v. Chase Candy Co. and Robert L. Malloy. Pleas of guilty. Fine of \$300 and costs against the company and \$27 against individual. (F. D. C. No. 24540. Sample Nos. 21085-K, 21093-K, 21094-K.)**

**INFORMATION FILED:** April 20, 1948, Western District of Missouri, against the Chase Candy Co., a corporation, St. Joseph, Mo., and Robert L. Malloy, plant manager.

**ALLEGED SHIPMENT:** On or about December 2, 12, and 16, 1947, from the State of Missouri into the States of Kansas and Nebraska.

**LABEL, IN PART:** "Chase's Cherry Mash," "Chase's Brunch Candy," "Chase's \* \* \* Marshmallow Hearts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs and an insect; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 20, 1948. Pleas of guilty having been entered, the court imposed a fine of \$300 and costs against the corporation and a fine of \$27 against the individual.

**13564. Adulteration of candy. U. S. v. Blue Bird Candy Co. and Thomas M. Faigel. Pleas of guilty. Fines of \$250 against company and \$100 against individual. (F. D. C. No. 20168. Sample Nos. 11682-H to 11688-H, incl., 11690-H, 12501-H, 12502-H.)**

**INFORMATION FILED:** March 17, 1947, District of Massachusetts, against the Blue Bird Candy Co., a corporation, Lawrence, Mass., and Thomas M. Faigel, treasurer.

**ALLEGED VIOLATIONS:** Between the approximate dates of July 26 and November 15, 1945, the defendants received at Lawrence, Mass., from Connellsville, Pittsburgh, Easton, and Lewiston, Pa.; Hamilton and Cleveland, Ohio; Pontiac, Mich., and Binghamton, N. Y., quantities of adulterated coconut parfait and caused the coconut parfait to be delivered otherwise than for pay to a candy manufacturer at Boston, Mass., for manufacture into chocolate-coated maple creams and caramels. In addition the defendants, on or about October 3, 1945, caused a quantity of adulterated maple creams and caramels to be introduced and delivered for introduction into interstate commerce for delivery to Auburn, Maine.

**LABEL, IN PART:** (Before manufacture) "Coconut Parfait Miramar Products Company Havana—Cuba"; (after manufacture) "5 Lbs. Net Maple Creams," or "5 Lbs. Net Caramels."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of grain beetles, larvae, insect excreta, a sawtooth beetle, and insect webbing, and of a decomposed substance by reason of the presence of rancid, sour, moldy, and mildewed coconut or candy.



**DISPOSITION:** November 12, 1947. Pleas of guilty having been entered, the court imposed fines of \$250 against the company and \$100 against the individual.

**13565. Adulteration of candy. U. S. v. Claude S. Woody (Woody Candy Co.).**  
**Plea of guilty. Fine, \$100, and probation for 1 year.** (F. D. C. No. 20469. Sample Nos. 23159-H, 23161-H, 35279-H.)

**INFORMATION FILED:** August 19, 1946, Western District of Oklahoma, against Claude S. Woody, trading as the Woody Candy Co., Oklahoma City, Okla.

**ALLEGED SHIPMENT:** On or about November 13, 1945, and February 5 and 7, 1946, from the State of Oklahoma into the States of Arkansas and Missouri.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insect larvae, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 16, 1946. A plea of guilty having been entered, the court imposed a fine of \$500 and placed the defendant on probation for 5 years. On December 13, 1946, on the basis of evidence indicating that the defendant had remodeled the premises and was endeavoring to meet the requirements of the law, the court reduced the fine to \$100 and the period of probation to 1 year.

**13566. Adulteration of candy. U. S. v. William Rayess (Rayess Candy Co.).**  
**Plea of guilty. Fine, \$200 and costs.** (F. D. C. No. 24825. Sample Nos. 15491-K, 15524-K to 15528-K, incl., 15530-K.)

**INFORMATION FILED:** August 3, 1948, Northern District of Ohio, against William Rayess, trading as the Rayess Candy Co., Toledo, Ohio.

**ALLEGED SHIPMENT:** On or about January 30, February 6, 13, and 27, and March 5 and 12, 1948, from the State of Ohio into the State of Michigan.

**LABEL, IN PART:** "Peppermint Pattie," "Marshmallow Egg," "Peanut Goodie," "Vanilla Nut Pattie," or "Cream Cluster."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, larvae, insect fragments, a rodent excreta fragment, and an insect; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 9, 1948. A plea of guilty having been entered, the defendant was fined \$200, together with costs.

**13567. Adulteration of candy. U. S. v. Fenn Brothers, Inc. Plea of guilty.**  
**Fine, \$100.** (F. D. C. No. 24570. Sample Nos. 24394-K, 24812-K.)

**INFORMATION FILED:** May 17, 1948, District of South Dakota, against Fenn Brothers, Inc., Sioux Falls, S. Dak.

**ALLEGED SHIPMENT:** On or about November 14 and 19, 1947, from the State of South Dakota into the States of Iowa and Minnesota.

**LABEL, IN PART:** "Fenn's Butter Brickle," or "Fenn's Chocolate Covered Nougat Bar."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, insects, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 9, 1948. A plea of guilty having been entered, a fine of \$100 was imposed.

**13568. Adulteration of candy. U. S. v. Pelle Rose Confectionery Co., Inc. Plea of guilty. Fine, \$100.** (F. D. C. No. 24783. Sample Nos. 7805-K, 8843-K.)

**INFORMATION FILED:** May 27, 1948, District of New Jersey, against Pelle Rose Confectionery Co., Inc., Orange, N. J.

**ALLEGED SHIPMENT:** On or about December 4 and 6, 1947, from the State of New Jersey into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 22, 1948. A plea of guilty having been entered on behalf of the defendant, a fine of \$100 was imposed.

**13569. Adulteration of candy U. S. v. Griffin Grocery Co. Plea of guilty. Fine, \$200.** (F. D. C. No. 21460. Sample Nos. 25305-H, 56207-H.)

**INFORMATION FILED:** May 19, 1947, Eastern District of Oklahoma, against the Griffin Grocery Co., a corporation, Muskogee, Okla.

**ALLEGED SHIPMENT:** On or about December 13 and 19, 1945, from the State of Oklahoma into the States of Texas and Missouri.

**LABEL, IN PART:** "Sunny Jim Chocolate Peanut Molasses Creams," or "Sunny Jim Peanut Brittle."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 8, 1947. A plea of guilty having been entered, the court imposed a fine of \$200.

**13570. Adulteration of candy. U. S. v. 87 Cartons \* \* \*. (F. D. C. No. 22826. Sample No. 77157-H.)**

**LIBEL FILED:** April 8, 1947, District of Minnesota.

**ALLEGED SHIPMENT:** On or about March 4 and 7, 1947, by the Licorice Products Co., from Dubuque, Iowa.

**PRODUCT:** 87 25-pound cartons of licorice candy at Minneapolis, Minn.

**LABEL, IN PART:** "Licorice Nuggets."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 30 and July 10, 1947. No claimant having appeared, judgment was entered ordering the product disposed of as animal feed or destroyed.

**13571. Adulteration of candy. U. S. v. 234 Boxes \* \* \*. (F. D. C. No. 23386. Sample No. 54169-H.)**

**LIBEL FILED:** July 31, 1947, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about June 3, 1947, by the Alamo Candy Co., from Dallas, Tex.

**PRODUCT:** 234 boxes each containing 16 1-ounce candy bars at Indianapolis, Ind.

**LABEL, IN PART:** "Alamo Coconut Divinity."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and larvae; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 25, 1947. Default decree of forfeiture and destruction.

**13572. Adulteration of candy. U. S. v. 8 Cartons \* \* \*. (F. D. C. No. 23061. Sample No. 86911-H.)**

**LIBEL FILED:** June 3, 1947, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about May 8, 1947, by the Davis Candy Co., from Akron, Ohio.

**PRODUCT:** 8 cartons, each containing 25 bags, of candy at Davenport, Iowa.

**LABEL, IN PART:** "Flopsy Pops Safest Sucker Sold."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 28, 1947. Default decree of condemnation and destruction.

**13573. Misbranding of candy. U. S. v. 216 Cartons \* \* \*. (F. D. C. No. 18703. Sample No. 11678-H.)**

**LIBEL FILED:** December 28, 1945, District of Massachusetts; transferred to Southern District of New York.



**ALLEGED SHIPMENT:** On or about October 11, 1945, by John Milazzo, from New York, N. Y.

**PRODUCT:** 216 cartons, each containing 18 10-ounce boxes, of candy at Boston, Mass.

**LABEL, IN PART:** "Torrone Benevento Nougat Candy Manufactured by Casale & Affronti Co., Brooklyn 1, N. Y."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container was so filled as to be misleading, since the candy occupied on an average only 56 percent of the box. (There were 18 small boxes in each carton, and each small box contained a piece of nougat candy wrapped in wax paper.)

**DISPOSITION:** On March 14, 1946, the case was transferred to the Southern District of New York on motion of the claimant, Casale & Affronti Co. On August 18, 1948, the claimant withdrew its claim and answer, and a decree of condemnation and destruction was entered.

**13574. Misbranding of candy. U. S. v. 74 Packages, etc. (and 1 other seizure action).** (F. D. C. No. 23994. Sample Nos. 36424-K, 36425-K.)

**LIBELS FILED:** December 9, 1947, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 19, 1947, by the Associated Foods Co., from Philadelphia, Pa.

**PRODUCT:** 82 1-pound packages and 296 11-ounce packages of candy at Seattle, Wash.

**LABEL, IN PART:** "Majesty Creamy Mints Net Weight 1 Lb.," or "Net Weight 11 Oz. or over Majesty Creamy Mints."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the containers were so made, formed, and filled as to be misleading, since the product in the 1-pound box occupied approximately 56 percent of the volume of the box and the product in the 11-ounce tin occupied approximately 64 percent of the volume of the tin.

**DISPOSITION:** April 15, 1948. Default decrees of condemnation. The product was ordered delivered to charitable institutions.

**13575. Adulteration of Cracker Jack. U. S. v. 226 Cases, etc.** (F. D. C. No. 24617. Sample Nos. 16837-K, 16847-K, 16848-K.)

**LIBEL FILED:** April 30, 1948, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about November 13, 1947, and January 19 and April 6, 1948, by the Cracker Jack Co., from Chicago, Ill.

**PRODUCT:** Cracker Jack. 226 cases, each containing 100 boxes, 112 cases, each containing 123 boxes, and 45 cases, each containing 24 boxes, at Milwaukee, Wis.

**LABEL, IN PART:** "Cracker Jack Popcorn Confection Net Wgt. 1¼ Oz. Toy or Novelty in each package."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the product contained metal and plastic toys, added deleterious substances, which may have rendered the product injurious to health; and, Section 402 (d), it was a confection and contained nonnutritive articles, plastic and metal toys.

**DISPOSITION:** August 31, 1948. The shipper and the consignee having consented to the entry of a decree, judgment of condemnation was entered. The product was ordered delivered to charitable institutions, conditioned that the unwrapped plastic and metal toys be removed from the packages before distribution to the inmates.

#### SIRUP AND SUGAR

**13576. Adulteration and misbranding of pancake sirup. U. S. v. 18 cases \* \* \*.** (F. D. C. No. 23175. Sample No. 90638-H.)

**LIBEL FILED:** June 11, 1947, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about March 11, 1947, by Big Maple Food Products, from Brooklyn, N. Y.

**PRODUCT:** 18 cases, each containing 24 pint bottles, of pancake sirup at Windsor, N. C.

**LABEL, IN PART:** "Contents 1 Pint Big Maple Brand Pancake Syrup [Design of maple trees] Cane Sugar Syrup Pure Maple Flavor."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a sirup with a flavor similar to dilute molasses had been substituted for "Cane Sugar Syrup Pure Maple Flavor," which the product was represented to be.

Misbranding, Section 403 (a), the label statement "Big Maple Brand Pancake Syrup Cane Sugar Syrup Pure Maple Flavor" and the design of maple trees were false and misleading; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The bottles contained less than the labeled "1 Pint.")

**DISPOSITION:** September 10, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**13577. Adulteration and misbranding of sorghum sirup. U. S. v. 163 Cases**  
\* \* \*. (F. D. C. No. 24630. Sample No. 26176-K.)

**LIBEL FILED:** On or about May 24, 1948, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about March 26, 1948, by E. R. Crone & Son, from Winnsboro, Tex.

**PRODUCT:** 163 cases, each containing 12 unlabeled half-gallon buckets, of a product invoiced as "Sorghum," at Joplin, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of corn sirup and other sirups had been substituted in whole or in part for sorghum sirup.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, since it was referred to as "Sorghum" on the invoice; Section 403 (e) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each such ingredient.

**DISPOSITION:** June 1948. E. R. Crone & Son having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for proper labeling, under the supervision of the Food and Drug Administration.

**13578. Adulteration of sugar. U. S. v. Belt's Wharf Warehouses, Inc., and John H. Kraus. Pleas of guilty. Corporation fined \$500 and costs; individual defendant fined \$1. (F. D. C. No. 24053. Sample Nos. 85334-H, 85460-H, 90481-H.)**

**INFORMATION FILED:** February 18, 1948, District of Maryland, against Belt's Wharf Warehouses, Inc., Baltimore, Md., and John H. Kraus, secretary-treasurer and manager.

**ALLEGED SHIPMENT:** On or about July 25 and 30, 1947, from the State of Maryland into the State of Virginia.

**LABEL, IN PART:** "Pure Cane Turbinado Sugar."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance. (Rodent urine and excreta were observed on the outside of the bags, and some bags had been cut and not resealed.) Further adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 15, 1948. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined \$500, together with costs, and the individual defendant was fined \$1.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 13579 to 13585, and that was below the legal standard for milk fat content, Nos. 13586 to 13588.

**13579. Adulteration of butter. U. S. v. Thomas H. Beasley (Beasley Produce Exchange). Plea of guilty. Fine, \$100. (F. D. C. No. 24508. Sample Nos. 8820-K, 19204-K, 19205-K.)**

**INFORMATION FILED:** March 15, 1948, Western District of Virginia, against Thomas H. Beasley, trading as Beasley Produce Exchange, Roanoke, Va.



**ALLEGED SHIPMENT:** On or about October 13 and 23, 1947, from the State of Virginia into the States of Ohio and New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and parts, rodent hair fragments, and other extraneous matter.

**DISPOSITION:** July 7, 1948. A plea of guilty having been entered, the defendant was fined \$100.

**13580. Adulteration of butter. U. S. v. Langenfeld Dairy Products Co. Plea of guilty. Fine, \$25. (F. D. C. No. 24559. Sample No. 76963-H.)**

**INFORMATION FILED:** May 17, 1948, District of South Dakota, against the Langenfeld Dairy Products Co., a partnership, Watertown, S. Dak.

**ALLEGED SHIPMENT:** On or about August 4, 1947, from the State of South Dakota into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, mites, feather fragments, rodent hairs, manure fragments, and nondescript dirt; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 28, 1948. A plea of guilty having been entered, the court imposed a fine of \$25.

**13581. Adulteration of butter. U. S. v. 388 Pounds \* \* \*. (F. D. C. No. 23678. Sample No. 91876-H.)**

**LIBEL FILED:** June 18, 1947, Western District of Texas.

**ALLEGED SHIPMENT:** On or about June 13, 1947, by Price's Creameries, Inc., from Portales, N. Mex.

**PRODUCT:** 388 pounds of butter at El Paso, Tex.

**LABEL, IN PART:** "Desert Gold Quarters."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (Examination showed that the product contained insect fragments, rodent hairs, feather barbules, hair similar to rodent hairs, maggots, mites, moth scales, plant particles, and sand.)

**DISPOSITION:** August 15, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**13582. Adulteration of butter. U. S. v. 205 Boxes (6,150 pounds) \* \* \*. (F. D. C. No. 23536. Sample No. 74597-H.)**

**LIBEL FILED:** June 17, 1947, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about May 20, 1947, by Armour & Co., from Minneapolis, Minn.

**PRODUCT:** 205 boxes, each containing 30 pounds, of butter at Boston, Mass.

**LABEL, IN PART:** "Armour's Cloverbloom."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts and fragments, rat or mouse hairs, feather barbules, cow and cat hairs, mites, manure fragments, and other sediment including rust, soot, sand, cloth and wood fibers, and nondescript dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 3, 1947. Default decree of condemnation and destruction.

**13583. Adulteration of butter. U. S. v. 26 Cartons (832 pounds) \* \* \*. (F. D. C. No. 23676. Sample No. 66237-H.)**

**LIBEL FILED:** July 31, 1947, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 8, 1947, by Swift & Co., from Huron, S. Dak.

**PRODUCT:** 26 cartons, each containing 32 1-pound packages, of butter at Harrisburg, Pa.

**LABEL, IN PART:** "Swift's Brookfield Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance in that it was made from filthy cream; and, section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (Examination showed that the product contained an insect, insect fragments, moth scales, cow hairs, manure fragments, and dirt.)

**DISPOSITION:** January 16, 1948. Default decree of condemnation. The product was ordered sold to be mixed with other inedible grease and disposed of for purposes other than for human food.

**13584. Adulteration of butter. U. S. v. 300 Cases \* \* \* (and 4 other seizure actions).** (F. D. C. Nos. 23826, 23922, 24152, 24159, 25541. Sample Nos. 3607-K, 3608-K, 19013-K, 19031-K, 19032-K, 19038-K, 22944-K.)

**LIBELS FILED:** Between September 22, 1947, and August 4, 1948, Eastern District of Virginia, Southern District of West Virginia, and Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about September 11, 12, and 16, 1947, and July 14, 1948, by Armour Creameries, Louisville, Ky.

**PRODUCT:** Butter. 6,800 pounds at Norfolk, Va., 304 pounds at Williamson, W. Va., 1,616 pounds at Charleston, W. Va., 528 pounds at Huntington, W. Va., and 640 pounds at Birmingham, Ala.

**LABEL, IN PART:** "Armour Cloverbloom."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance. (Examination showed that the product contained mold and that, in addition, the Birmingham lot contained insect and rodent filth.)

**DISPOSITION:** November 14, 1947. Armour & Co. having appeared as claimant for the Norfolk lots, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration; the product was disposed of for fat salvage purposes. No claimant having appeared for the remaining lots, on February 26, 28, and September 9, 1948, judgments of condemnation were entered and the product was ordered sold for fat salvage or other technical uses.

**13585. Adulteration of butter. U. S. v. 20 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 24143, 24151. Sample Nos. 713-K, 19033-K.)

**LIBELS FILED:** October 3 and November 12, 1947, Southern District of West Virginia and Southern District of Florida.

**ALLEGED SHIPMENT:** On or about September 13 and 15, 1947, by the Fairmont Foods Co., from Columbus, Ohio, and Guthrie, Okla.

**PRODUCT:** Butter. 200 cases, each containing 12 1-pound cartons, and 100 cases, each containing 32 1-pound cartons, at Charleston, W. Va., and 20 cases, each containing 32 1-pound cartons, at Jacksonville, Fla.

**LABEL, IN PART:** "Fairmont's Better Brand Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the Charleston lot consisted in whole or in part of a decomposed substance (the product contained excessive mold mycelia), and the Jacksonville lot consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments, and because it had been made from filthy cream.

**DISPOSITION:** November 4, 1947. The Fairmont Foods Co., claimant for the Charleston lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was converted into soap stock. On January 2, 1948, no claimant having appeared for the Jacksonville lot, judgment of condemnation was entered and the product was ordered delivered to a correctional institution, for use other than for human consumption.



**13586. Adulteration of butter. U. S. v. Denison Poultry & Egg Co. and Richard White, Jr. Pleas of guilty. Corporation fined \$500; fine of \$250 against individual was suspended. (F. D. C. No. 24534. Sample Nos. 15022-K, 15113-K.)**

**INFORMATION FILED:** April 14, 1948, Eastern District of Texas, against the Denison Poultry & Egg Co., a corporation, Denison, Tex., and Richard White, Jr., vice-president and general manager.

**ALLEGED SHIPMENT:** On or about November 5, 1947, from the State of Texas into the State of Illinois.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** August 27, 1948. Pleas of guilty having been entered, the court imposed a fine of \$250 against the individual and \$500 against the corporation. The fine against the individual was suspended for 1 year.

**13587. Adulteration of butter. U. S. v. Enoch Schultz (Enoch Schultz Creamery). Plea of guilty. Fine, \$300. (F. D. C. No. 24108. Sample No. 24814-K.)**

**INFORMATION FILED:** March 1, 1948, District of North Dakota, against Enoch Schultz, trading as Enoch Schultz Creamery, Bismarck, N. Dak.

**ALLEGED SHIPMENT:** On or about December 4, 1947, from the State of North Dakota into the State of Minnesota.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** March 17, 1948. A plea of guilty having been entered by the defendant, a fine of \$300 was imposed.

**13588. Adulteration of butter. U. S. v. Wilson & Co., Inc. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 24524. Sample No. 12002-K.)**

**INFORMATION FILED:** March 26, 1948, Western District of Oklahoma, against Wilson & Co., Inc., Oklahoma City, Okla.

**ALLEGED SHIPMENT:** On or about September 16, 1947, from the State of Oklahoma into the State of Pennsylvania.

**LABEL, IN PART:** "Clear Brook Creamery Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** September 17, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$50.

#### CHEESE

**13589. Adulteration of Cheddar cheese. U. S. v. Rutherford County Cooperative Creamery, Inc., and Adolph Beernink. Pleas of nolo contendere. Fines of \$1,000 against corporation and \$100 against individual. (F. D. C. No. 24545. Sample No. 9501-K.)**

**INFORMATION FILED:** April 29, 1948, Middle District of Tennessee, against the Rutherford County Cooperative Creamery, Inc., Murfreesboro, Tenn., and Adolph Beernink, treasurer and plant manager.

**ALLEGED SHIPMENT:** On or about July 23, 1947, from the State of Tennessee into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, feather barbules, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 6, 1948. Pleas of nolo contendere having been entered, the court imposed fines of \$1,000 against the corporation and \$100 against the individual.

**13590. Adulteration of Cheddar cheese. U. S. v. Consolidated Dairies of Lake County, Inc., and Grover E. Lewis. Pleas of guilty. Joint fine of \$150.** (F. D. C. No. 24067. Sample No. 82990-H.)

INFORMATION FILED: January 15, 1948, District of Montana, against Consolidated Dairies of Lake County, Inc., Ronan, Mont., and Grover E. Lewis, general manager.

ALLEGED SHIPMENT: On or about June 22, 1947, from the State of Montana into the State of Washington.

LABEL, IN PART: "Darigold Cheddar Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair, and manure fragments.

DISPOSITION: July 2, 1948. Pleas of guilty having been entered on behalf of the defendants, a joint fine of \$150 was imposed.

**13591. Adulteration of cheese. U. S. v. Merchants Creamery Co., Inc., and Roy Rawlings, Jr. Pleas of guilty. Fine of \$1,500 against corporation and \$250 against individual, together with costs.** (F. D. C. No. 23606. Sample No. 73037-H.)

INDICTMENT RETURNED: December 5, 1947, Western District of Missouri, against the Merchants Creamery Co., Inc., Springfield, Mo., and Roy Rawlings, Jr., plant manager.

ALLEGED SHIPMENT: On or about July 5, 1947, from the State of Missouri into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, manure fragments, a cow hair, and nondescript debris; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 6, 1948. Pleas of guilty having been entered, the court imposed a fine of \$1,500 against the corporation and \$250 against the individual, together with costs.

**13592. Adulteration of cheese. U. S. v. Frank G. Baker (Missouri Milk Products). Plea of nolo contendere. Fine, \$500.** (F. D. C. No. 24252. Sample No. 93849-H.)

INFORMATION FILED: March 24, 1948, Eastern District of Missouri, against Frank G. Baker, trading as Missouri Milk Products, Hermann, Mo. The defendant was charged with giving a false guaranty to the Wilshire Cheese Co. of Springfield, Mo., on or about June 19, 1942, which provided that all cheese comprising each shipment or delivery made by the defendant to the latter firm would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug and Cosmetic Act. On or about July 19, 1947, the defendant sold and delivered to the Wilshire Cheese Co. a number of boxes of cheese which were adulterated.

LABEL, IN PART: "Missouri Cheddar Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of manure.

DISPOSITION: April 15, 1948. A plea of nolo contendere having been entered, a fine of \$500 was imposed.

**13593. Adulteration of cheese. U. S. v. Thorntown Dairy Products Co., Inc. Plea of guilty. Fine, \$300.** (F. D. C. No. 24516. Sample No. 69423-H.)

INFORMATION FILED: July 20, 1948, Southern District of Indiana, against Thorntown Dairy Products Co., Inc., Thorntown, Ind.

ALLEGED SHIPMENT: On or about June 3, 1947, from the State of Indiana into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and manure particles; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 5, 1948. A plea of guilty having been entered, the defendant was fined \$300.



**13594. Adulteration and misbranding of cream cheese. U. S. v. East Smithfield Farms, Inc., and Jesse E. Brownback. Pleas of guilty. Each defendant fined \$350 and placed on 2 years' probation. (F. D. C. No. 24796. Sample Nos. 87902-H, 8808-K, 8813-K, 8814-K.)**

**INFORMATION FILED:** June 14, 1948, Middle District of Pennsylvania, against East Smithfield Farms, Inc., East Smithfield, Pa., and Jesse E. Brownback, president of the corporation.

**ALLEGED SHIPMENT:** On or about July 8, September 30, and October 3, 1947, from the State of Pennsylvania into the State of New York.

**LABEL, IN PART:** (Boxes) "Smithfield Cream Cheese" or "Cream Cheese \* \* \* Distributed By Sam Henne & Son Bayonne, N. J."; (Cans) "Cream Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing more than 55 percent of moisture and portions of which contained less than 33 percent of milk fat had been substituted for cream cheese, a product which should contain not more than 55 percent of moisture and not less than 33 percent of milk fat as provided by the regulations.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cream cheese, since it contained more moisture and portions contained less milk fat than provided by the regulations.

**DISPOSITION:** July 20, 1948. Pleas of guilty having been entered, both defendants were fined \$50 on each of the first 7 counts of the information; imposition of sentence on the eighth count was suspended, and both defendants were placed on probation for 2 years.

**13595. Adulteration and misbranding of cream cheese. U. S. v. Columbia Cheese Co., Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 24075. Sample Nos. 87926-H, 87936-H.)**

**INFORMATION FILED:** January 15, 1948, District of New Jersey, against Columbia Cheese Co., Inc., Newark, N. J.

**ALLEGED SHIPMENT:** On or about August 5 and 11, 1947, from the State of New Jersey into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product deficient in milk fat and containing excess moisture had been substituted for cream cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cream cheese, since it contained less than 33 percent of milk fat and more than 55 percent of moisture.

**DISPOSITION:** July 16, 1948. A plea of guilty having been entered on behalf of the defendant, a fine of \$200 was imposed.

**13596. Adulteration of Cheddar cheese. U. S. v. 8 Cheddars. (F. D. C. No. 23064. Sample No. 77583-H.)**

**LIBEL FILED:** June 24, 1947, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about June 5, 1947, by the Dubuque Cooperative Dairy Marketing Assoc., from Dubuque, Iowa.

**PRODUCT:** 8 73-pound Cheddar cheeses at Platteville, Wis.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing excessive moisture and deficient in milk fat had been substituted for Cheddar cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Cheddar cheese, since it contained more than 39 percent of moisture and it contained in its solids less than 50 percent of milk fat.

**DISPOSITION:** July 21, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**13597. Misbranding of cheese in brandy. U. S. v. John Kooren. Plea of guilty. Fine, \$300. (F. D. C. No. 24806. Sample Nos. 4007-K, 4017-K.)**

**INFORMATION FILED:** September 7, 1948, Southern District of New York, against John Kooren, New York, N. Y.

**ALLEGED SHIPMENT:** On or about November 26, 1947, from the State of New York into the State of Massachusetts.

**LABEL, IN PART:** "Roquefort-Type Cheese In Brandy [or "Cheddar Cheese In Port Wine" or "Stilton Cheese In Port Wine"] Net Wt.—5 Ozs. Packed for S. S. Pierce Co., Boston, Mass."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents, since the jars contained less than the declared 5 ounces; and, Section 403 (a), the statement "In Brandy" borne on the labels of the "Roquefort-Type Cheese" was false and misleading, since the product did not contain brandy.

**DISPOSITION:** September 15, 1948. A plea of guilty having been entered, the defendant was fined \$300.

**13598. Misbranding of cheese. U. S. v. June Dairy Products Co., Inc. Plea of guilty. Fine, \$50.** (F. D. C. No. 24816. Sample No. 9737-K.)

**LIBEL FILED:** July 7, 1948, District of New Jersey, against June Dairy Products Co., Inc., Jersey City, N. J.

**ALLEGED SHIPMENT:** On or about December 23, 1947, from the State of New Jersey into the State of New York.

**LABEL, IN PART:** (Crops) "June Dairy Colonial Cheese Snack Sampler Net Weight 4 Ounces [or "8 Ounces" or "12 Ounces"]."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the crops contained less than the labeled weight.

**DISPOSITION:** September 27, 1948. A plea of guilty having been entered on behalf of the defendant, a fine of \$50 was imposed.

#### MISCELLANEOUS DAIRY PRODUCTS

**13599. Adulteration and misbranding of nonfat dry milk solids. U. S. v. Kraft Cheese Co. Plea of nolo contendere. Defendant fined \$300 and placed on probation for 18 months.** (F. D. C. No. 20111. Sample No. 24393-H.)

**INFORMATION FILED:** August 5, 1946, District of Minnesota, against the Kraft Cheese Co., Hutchinson, Minn.

**ALLEGED SHIPMENT:** On or about March 23, 1945, from the State of Minnesota into the State of Louisiana.

**LABEL, IN PART:** "Lacalac Controlled Quality Roller Process Nonfat Dry Milk Solids Net Weight 225 Pounds Kraft Cheese Company Distributor Chicago, Illinois."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product consisting of partially neutralized sour dried skim milk had been substituted for nonfat dry milk solids.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for nonfat dry milk solids, since such definition and standard requires that nonfat dry milk solids shall be made from sweet milk of cows, whereas the article was made from partially neutralized sour skim milk.

**DISPOSITION:** February 9, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$300 and placed the defendant on probation for 18 months.

**13600. Adulteration of cream. U. S. v. 15 Cans \* \* \* (and 1 other seizure action).** (F. D. C. No. 18283. Sample Nos. 30401-H, 30402-H.)

**LIBELS FILED:** August 22, 1945, District of Colorado.

**ALLEGED SHIPMENT:** On or about August 19, 1945, by Clyde Arnold, from Arnold, Nebr., and Frank Kalous, from Sumner, Nebr.

**PRODUCT:** Cream. 22 10-gallon cans at Denver, Colo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, or putrid animal substance. (Examination showed that the product contained rodent hairs, insects, insect parts, manure, and an excessive amount of nondescript matter.)

**DISPOSITION:** August 22, 1945. The consignee having consented to the entry of decrees, the product was ordered destroyed.

**13601. Adulteration of oleomargarine. U. S. v. 147 Cases \* \* \*.** (F. D. C. No. 24627. Sample Nos. 26051-K, 26052-K.)

**LIBEL FILED:** May 7, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about March 19, 1948, from Chicago, Ill.



**PRODUCT:** 147 cases, each containing 24 1-pound cartons, of oleomargarine at St. Louis, Mo. Examination showed that the product had an objectionable taste as a result of fire and water damage occurring in transit.

**NATURE OF CHARGE:** Adulteration, Section 402, (a) (3), the article was unfit for food by reason of its objectionable taste.

**DISPOSITION:** August 4, 1948. The Plaza Express Co., Inc., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into soap grease, under the supervision of the Federal Security Agency.

### EGGS

**13602. Adulteration of frozen whole eggs. U. S. v. Foures, Inc., and Morris Schneider. Pleas of guilty. Corporation fined \$500; individual fined \$250. (F. D. C. No. 24819. Sample No. 26340-K.)**

**INFORMATION FILED:** July 21, 1948, District of Minnesota, against Foures, Inc., St. Paul, Minn., and Morris Schneider, vice-president and manager.

**ALLEGED SHIPMENT:** On or about September 11, 1947, from the State of Minnesota into the State of Missouri.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** October 25, 1948. A plea of guilty having been entered on behalf of the defendants, the corporation was fined \$500 and the individual defendant was fined \$250.

**13603. Adulteration of frozen whole eggs. U. S. v. Oskaloosa Produce Co., a partnership, and Archibald L. Shannon. Pleas of guilty. Partnership fined \$50 and costs; individual defendant fined \$25. (F. D. C. No. 24522. Sample No. 14439-K.)**

**INFORMATION FILED:** March 23, 1948, Southern District of Iowa, against the Oskaloosa Produce Co., Oskaloosa, Iowa, and Archibald L. Shannon, a partner.

**ALLEGED SHIPMENT:** On or about October 2, 1947, from the State of Iowa into the State of Illinois.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** September 21, 1948. Pleas of guilty having been entered, the partnership was fined \$50, plus costs, and the individual defendant was fined \$25.

**13604. Adulteration of frozen whole eggs. U. S. v. Edwin L. McKinley (McKinley Produce Co.). Plea of guilty. Fine, \$250. (F. D. C. No. 24823. Sample No. 14440-K.)**

**INFORMATION FILED:** July 20, 1948, Southern District of Indiana, against Edwin L. McKinley, trading as the McKinley Produce Co., Greensburg, Ind.

**ALLEGED SHIPMENT:** On or about May 13, 1947, from the State of Indiana into the State of Illinois.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** November 5, 1948. A plea of guilty having been entered, the defendant was fined \$250.

**13605. Adulteration of frozen whole eggs. U. S. v. 208 Cans \* \* \*. (F. D. C. No. 23420. Sample No. 69220-H.)**

**LIBEL FILED:** September 4, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 5, 1947, by the Farmers Produce Co., from Cherokee, Iowa.

**PRODUCT:** 208 30-pound cans of frozen whole eggs at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed eggs.)

**DISPOSITION:** September 8, 1947. Rothenberg & Schneider Bros., Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned

that the unfit portion be segregated, denatured, and used for animal food, under the supervision of the Food and Drug Administration. Of the seized goods, 22 cans were segregated as unfit and were denatured.

**13606. Adulteration of frozen eggs. U. S. v. 124 Cans \* \* \*. (F. D. C. No. 23844. Sample No. 3901-K.)**

**LIBEL FILED:** October 8, 1947, District of Maryland.

**ALLEGED SHIPMENT:** On or about July 19, 1947, by Swift & Co., from Huron, S. Dak.

**PRODUCT:** 124 cans, each containing 30 pounds, of frozen eggs at Baltimore, Md.

**LABEL, IN PART:** "Gold Crest Frozen Eggs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed eggs.)

**DISPOSITION:** November 3, 1947. Swift & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and rejected. Fifteen cans were rejected and denatured.

**13607. Adulteration and misbranding of frozen egg drip. U. S. v. Northern Indiana Producers, Inc. Plea of guilty. Fine, \$100, plus costs. (F. D. C. No. 14287. Sample Nos. 78412-F, 78413-F.)**

**INFORMATION FILED:** April 3, 1945, Northern District of Indiana, against Northern Indiana Producers, Inc., Valparaiso, Ind.

**ALLEGED SHIPMENT:** On or about April 28 and May 10, 1944, from the State of Indiana into the State of Illinois.

**LABEL:** "Egg Drip 30 Lbs. Net."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed egg material.

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** November 16, 1948. A plea of guilty having been entered, the defendant was fined \$100, together with costs.

## FEEDS AND GRAINS

**13608. Alleged adulteration and misbranding of alfalfa meal. U. S. v. John A. Miller (Meadow Brook Farms). Plea of not guilty. Tried to the court. Judgment of not guilty. (F. D. C. No. 24510. Sample Nos. 39261-K to 39263-K, incl.)**

**INFORMATION FILED:** March 8, 1948, Eastern District of Pennsylvania, against John A. Miller, an individual, trading as Meadow Brook Farms, Nazareth, Pa.

**ALLEGED SHIPMENT:** On or about July 29 and August 27 and 28, 1947, from the State of Pennsylvania into the State of Maryland.

**LABEL, IN PART:** "Meadow Brook Farms Superior Brand Dehydrated Alfalfa Meal."

**NATURE OF CHARGE:** One lot. Adulteration, Section 402 (b) (2), a product containing less than 15 percent protein had been substituted for a product containing not less than 15 percent protein.

Misbranding, Section 403 (a), the label statement "Guaranteed Analysis When Packed \* \* \* Protein—Not less than 15%" was false and misleading.

Remaining lots. Adulteration, Section 402 (b) (2), a product containing less than 2 percent fat, more than 27 percent fiber, and less than 17 percent protein had been substituted for a product containing not less than 2 percent fat, not more than 27 percent fiber, and not less than 17 percent protein. Misbranding, Section 403 (a), the label statements, "Guaranteed Analysis When Packed \* \* \* Fat—not less than 2%, Fibre—Not more than 27%, Protein—Not less than 17%," were false and misleading.

**DISPOSITION:** June 16, 1948. A plea of not guilty having been entered by the defendant, the case was tried before the court and the defendant was found not guilty.



**13609. Adulteration and misbranding of soybean oil meal and cake. U. S. v. Cotton Products Co., Inc. (Opelousas Oil Mill). Plea of nolo contendere. Fine, \$500.** (F. D. C. No. 24533. Sample Nos. 76507-H to 76509-H, incl., 76512-H.)

**INFORMATION FILED:** May 10, 1948, Western District of Louisiana, against the Cotton Products Co., Inc., trading as Opelousas Oil Mill at Opelousas, La.

**ALLEGED SHIPMENT:** On or about May 9, 10, 12, and 14, 1947, from the State of Louisiana into the State of Texas.

**LABEL, IN PART:** "Soy Bean Oil Cracked Cake" and "Soy Bean Oil Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), calcium carbonate had been substituted in part for "Soy Bean Oil Cracked Cake" and "Soy Bean Oil Meal."

Misbranding, Section 403 (a), the label statements "Soy Bean Oil Cracked Cake" and "Soy Bean Oil Meal" were false and misleading since they represented and suggested that the articles consisted of soybean oil cracked cake and soybean oil meal, respectively, whereas the articles consisted of a mixture of soybean oil cracked cake or soy bean oil meal and calcium carbonate.

**DISPOSITION:** May 31, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$500.

**13610. Misbranding of cottonseed meal. U. S. v. Cen-Tex Cooperative Oil Mill. Plea of guilty. Fine, \$750.** (F. D. C. No. 24517. Sample No. 21521-K.)

**INFORMATION FILED:** April 22, 1948, Western District of Texas, against Cen-Tex Cooperative Oil Mill, a corporation, Thorndale, Tex.

**ALLEGED SHIPMENT:** On or about August 9, 1947, from the State of Texas into the State of Oklahoma.

**LABEL, IN PART:** "Guaranteed Analysis Equity Brand Cottonseed Cake & Meal Protein not less than 41% \* \* \* Manufactured for Feeders Supply and Mfg. Co. \* \* \* Kansas City, Mo."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Protein not less than 41%" was false and misleading since the product contained less than 41 percent of protein.

**DISPOSITION:** November 10, 1948. A plea of guilty having been entered, the defendant was fined \$750.

**13611. Misbranding of cottonseed screenings. U. S. v. Southern Cotton Oil Co. Plea of nolo contendere. Fine, \$250.** (F. D. C. No. 24528. Sample No. 38027-K.)

**INFORMATION FILED:** September 24, 1948, Western District of Tennessee, against the Southern Cotton Oil Co., a corporation, Memphis, Tenn.

**ALLEGED SHIPMENT:** On or about September 22, 1947, from the State of Tennessee into the State of Kansas.

**LABEL, IN PART:** "Gold Seal Brand 41 Per Cent Protein Cotton Seed Meal."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Crude Protein, not less than ..... 41.00 Per Cent" was false and misleading since the article contained less than 41 percent of crude protein.

**DISPOSITION:** October 29, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$250.

**13612. Misbranding of oyster shell. U. S. v. Mayo Shell Corp. Plea of guilty. Fine, \$1,500; \$1,000 of fine suspended and defendant placed on probation for 3 years.** (F. D. C. No. 24569. Sample Nos. 86134-H, 86136-H, 86138-H.)

**INFORMATION FILED:** May 24, 1948, Southern District of Texas, against the Mayo Shell Corp., Houston, Tex.

**ALLEGED SHIPMENT:** On or about April 16 and May 1 and 22, 1947, from the State of Texas into the State of Kansas.

**LABEL, IN PART:** "Mayo's Snowflake Pure Reef Oyster Shell \* \* \* Guaranteed Analysis Calcium Carbonate (Ca CO<sub>3</sub>) not less than 97.00%."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Calcium Carbonate (Ca CO<sub>3</sub>) not less than 97.00%" was false and misleading since the product contained less than 97 percent of calcium carbonate.

**DISPOSITION:** September 17, 1948. A plea of guilty having been entered, the corporation was fined \$1,500, of which \$1,000 was suspended, and the defendant was placed on probation for 3 years.

**13613. Adulteration and misbranding of dog food. U. S. v. Daniel Pearlstein (Re-Dan Packing Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 23575. Sample No. 6556-H.)**

**INFORMATION FILED:** September 17, 1948, Eastern District of New York, against Daniel Pearlstein, formerly trading as the Re-Dan Packing Co., Ozone Park, N. Y.

**ALLEGED SHIPMENT:** On or about April 23, 1947, from the State of New York into the State of New Jersey.

**LABEL, IN PART:** "Cadet Dog Food \* \* \* Protein—9.00% Min."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted.

Misbranding, Section 403 (a), the label statement "Protein—9.00% Min." was false and misleading since the product contained less than 9 percent of protein.

**DISPOSITION:** December 9, 1948. A plea of guilty having been entered, the defendant was fined \$400.

**13614. Adulteration and misbranding of dog food. U. S. v. Reuben Gittelman (Best Dog Food Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 24520. Sample Nos. 39265-K, 39266-K.)**

**LIBEL FILED:** September 17, 1948, Eastern District of New York, against Reuben Gittelman, trading as the Best Dog Food Co., at Astoria, N. Y.

**ALLEGED SHIPMENT:** On or about July 1 and August 29, 1947, from the State of New York into the State of Maryland.

**LABEL, IN PART:** "Vita-Best Kibblan-Meal \* \* \* Protein 26.67%" or "Vita-Best \* \* \* Kibbled Biscuits Analysis: Protein 20.31%."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted.

Misbranding, Section 403 (a), the label statements "Protein 26.67%" or "Protein 20.31%" were false and misleading since the products contained less than the declared amount of protein.

**DISPOSITION:** October 21, 1948. A plea of guilty having been entered, the defendant was fined \$400.

**13615. Adulteration and misbranding of dog and cat food. U. S. v. 682 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 22114, 22535. Sample Nos. 34179-H, 34180-H, 61210-H, 61217-H.)**

**LIBELS FILED:** December 20, 1946, and February 13, 1947, District of Columbia and Western District of New York.

**ALLEGED SHIPMENT:** On or about November 1 and 6 and December 13 and 19, 1946, by the Dr. George C. Melody Co., from Greensburg, Pa.

**PRODUCT:** 1,210 cases at Washington, D. C., and 2,792 cases at Buffalo, N. Y., of dog and cat food. Each case contained 12 jars. Samples of the product were found to contain protein in amounts ranging from 4.10 percent to 5.01 percent.

**LABEL, IN PART:** "Dr. Melody's Dog & Cat Food Contents 30 Oz. [or "15 Oz."] \* \* \* Protein 7.00% Min."

**NATURE OF CHARGE:** Adulteration (Buffalo lot), Section 402 (b) (1), a valuable constituent, protein, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Protein 7.00% Min.," was false and misleading as applied to the article, which contained less than the declared amount of protein.

**DISPOSITION:** January 17 and February 13, 1947. The Dr. George C. Melody Co., claimant, having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**13616. Adulteration of cat food and adulteration and misbranding of dog food. U. S. v. 27 Cases, etc. (F. D. C. No. 22143. Sample Nos. 90712-H, 90713-H.)**

**LIBEL FILED:** January 2, 1947, District of Columbia.



**ALLEGED SHIPMENT:** On or about November 2, 1945, and May 13, 1946, by the Packer Products Co., from Philadelphia, Pa.

**PRODUCT:** 27 cases, each containing 12 35-ounce jars, of dog food and 128 cases, each containing 24 15½-ounce jars, of cat food at Washington, D. C.

**LABEL, IN PART:** "Beefy Dog Food," and "Cat 'N Fiddle Cat Food."

**NATURE OF CHARGE:** Dog Food. Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted from the article. Misbranding, Section 403 (a), the name "Beefy" and the label statement "Min. Protein 8.00%" were false and misleading as applied to the dog food, which contained a very small amount of meat and less than the declared amount of protein.

Cat food. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** February 25, 1947. Default decree of condemnation and destruction.

### FISH AND SHELLFISH

**13617. Adulteration of herring in brine. U. S. v. Oscar M. Frankland (Harris Cove Packing Co.). Plea of guilty. Fine, \$750. (F. D. C. No. 24549. Sample Nos. 69948-H, 87701-H.)**

**INFORMATION FILED:** May 3, 1948, District of Maine, against Oscar M. Frankland, trading as the Harris Cove Packing Co., at Eastport, Maine.

**ALLEGED SHIPMENT:** On or about April 19 and 21, 1947, from the State of Maine into the States of Illinois and New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased fish.

**DISPOSITION:** June 6, 1948. A plea of guilty having been entered, the court imposed a fine of \$750.

**13618. Adulteration of frozen fish. U. S. v. 957 Pounds \* \* \* (and 1 other seizure action). (F. D. C. Nos. 22280, 22281. Sample Nos. 91001-H, 91002-H.)**

**LIBELS FILED:** February 13, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 16 and September 23, 1946, by Waldman's Fish Co., from Montreal, Canada.

**PRODUCT:** Frozen fish. 957 pounds of whitefish, pickerel, trout, yellowfish, and ciscoes, and 2,596 pounds of salmon, at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** March 5, 1947. Default decrees of condemnation and destruction.

**13619. Adulteration of frozen dressed ciscoes. U. S. v. 11 Boxes \* \* \*. (F. D. C. No. 22235. Sample Nos. 63532-H, 63539-H.)**

**LIBEL FILED:** February 3, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 19 and 20, 1946, by the Erie Fish Co., and by the Barcelona Fish Co., from Erie, Pa.

**PRODUCT:** 11 boxes containing approximately 1,496 pounds of frozen dressed ciscoes at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** February 25, 1947. Default decree of condemnation and destruction.

**13620. Adulteration of frozen haddock. U. S. v. 300 Boxes \* \* \*. (F. D. C. No. 22357. Sample No. 48567-H.)**

**LIBEL FILED:** January 8, 1947, District of Colorado.

**ALLEGED SHIPMENT:** On or about November 16, 1946, by the Booth Fisheries Corp., from Chicago, Ill.

**PRODUCT:** 300 10-pound boxes of frozen haddock at Denver, Colo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed fish.)

**DISPOSITION:** March 26, 1947. The Booth Fisheries Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured and utilized for animal feed.

**13621. Misbranding of canned rockfish. U. S. v. 74 Cases \* \* \*. (F. D. C. No. 22913. Sample No. 74400-H.)**

**LIBEL FILED:** April 18, 1947, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about November 9, 1946, by Columbia River Salmon Co., Inc., from Astoria, Oreg.

**PRODUCT:** 74 cases, each containing 48 7-ounce cans, of rockfish at Boston, Mass.

**LABEL, IN PART:** "Blue Letter A Flaked Boneless Pacific Ocean Rockfish In Pure Salad Oil."

**NATURE OF CHARGE:** Adulteration, Section 403 (a), the label statement "In Pure Salad Oil" was false and misleading since the article was packed in brine containing a very small amount of oil; and, Section 403 (d), the container was so filled as to be misleading since the cans were not filled as full of fish as practicable.

**DISPOSITION:** On May 28, 1947, the case was transferred to the Western District of Washington. On July 30, 1948, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**13622. Adulteration and misbranding of canned salmon. U. S. v. 15 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 23185, 23186, 23409. Sample Nos. 66765-H, 66766-H, 69789-H.)**

**LIBELS FILED:** June 17 and August 15, 1947, Southern District of New York and Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about November 18, 1946, and April 14 and May 5, 1947, by the United Food Specialty Co., from Detroit, Mich.

**PRODUCT:** Canned salmon. 20 cases at New York, N. Y., and 3 cases at Chicago, Ill. Each case contained 48 7¾-ounce cans.

**LABEL, IN PART:** "Columbia River Fancy Chinook Salmon" or "Namyah Brand Fancy Chinook Salmon."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), red salmon had been substituted for Chinook salmon, which the product was represented to be. Misbranding, Section 403 (a), the label designations "Fancy Chinook Salmon" and "Columbia River Fancy Chinook Salmon" were false and misleading as applied to red salmon.

Misbranding, Section 403 (a), the statement on the label of the "Columbia River" brand "Packed By Columbia River Packers Assn., Inc. Astoria, Oregon" was false and misleading since the product had not been packed by that firm.

**DISPOSITION:** September 2 and December 29, 1947. Default decrees of condemnation. The product was ordered delivered to charitable institutions, with the exception of two cases of the New York lot, which were ordered delivered to the Food and Drug Administration.

**13623. Adulteration of frozen salmon and whitefish. U. S. v. 3 Boxes of frozen whitefish (and 1 seizure action against frozen salmon). (F. D. C. Nos. 22215, 22325. Sample Nos. 63536-H, 91005-H.)**

**LIBELS FILED:** January 28 and March 4, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 9 and 14, 1946, by Straker & Gross, Montreal, Canada.

**PRODUCT:** 345 pounds of frozen whitefish and 1,174 pounds of frozen salmon at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed and putrid substances. (Examination showed the presence of decomposed salmon and putrid whitefish.)

**DISPOSITION:** February 19 and April 1, 1947. Default decrees of condemnation and destruction.



**13624. Adulteration of canned sardines. U. S. v. 999 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 24622, 24654. Sample Nos. 6358-K, 18792-K.)

**LIBELS FILED:** May 10 and 28, 1948, Western District of Pennsylvania and Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about March 23 and April 23, 1948, by the R. J. Peacock Canning Co., Lubec and Eastport, Maine.

**PRODUCT:** Canned sardines. 999 cases at Pittsburgh, Pa., and 382 cases at Columbus, Ohio. Each case contained 100 3¼-ounce cans.

**LABEL, IN PART:** "Admiral Brand American Sardines."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal. (Examination showed the presence of diseased fish.)

**DISPOSITION:** June 7 and July 8, 1948. Default decrees of destruction.

**13625. Adulteration of canned sardines. U. S. v. 385 Cases \* \* \* (and 2 other seizure actions).** (F. D. C. Nos. 20231, 22946, 22999. Sample Nos. 1999-H, 50140-H, 63704-H.)

**LIBELS FILED:** June 11, 1946, and April 30 and June 11, 1947, Southern District of New York and Southern District of Texas.

**ALLEGED SHIPMENT:** On or about March 22, 1946, and March 10 and April 17, 1947, from Eastport, Maine, and Charleston, S. C., by the Riviera Packing Co.

**PRODUCT:** Sardines. 385 cases and 182 cases at New York, N. Y., and 3½ cases at Houston, Tex. Each case contained 100 3¼-ounce cans.

**LABEL, IN PART:** "Sunny Harbor Smoked Sardines" or "Custom House Brand Maine Sardines."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** August 19 and September 17, 1947, and June 7, 1948. The Riviera Packing Co., claimant for the 182-case lot, having admitted the allegations of the libel and no claimant having appeared for the other lots, judgments of condemnation were entered. The 182-case lot was ordered released under bond for segregation and destruction of the unfit portion. The segregation operation on this lot resulted in the destruction of 56 cases, and the other lots of the product were ordered destroyed.

**13626. Adulteration of frozen tullibeets. U. S. v. 155 Boxes \* \* \*. (F. D. C. No. 24379. Sample No. 8878-K.)**

**LIBEL FILED:** March 12, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about February 19, 1948, by Howard L. Elzig, from Warren, Minn.

**PRODUCT:** 155 125-pound boxes of frozen tullibeets at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** November 10, 1948. Default decree of condemnation and destruction.

**13627. Adulteration of frozen tullibeets. U. S. v. 110 Boxes \* \* \*. (F. D. C. No. 24376. Sample No. 12508-K.)**

**LIBEL FILED:** March 10, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 19, 1948, by Harold Elzig, from Warren, Minn.

**PRODUCT:** 110 boxes of frozen tullibeets at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** July 14, 1948. Default decree of condemnation and destruction.

**13628. Adulteration of frozen whiting. U. S. v. 641 Boxes \* \* \*. (F. D. C. No. 23356. Sample Nos. 54165-H, 54168-H.)**

**LIBEL FILED:** August 6, 1947, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about October 16, 1945, by the Atlantic Coast Fisheries Co., from Cleveland, Ohio.

**PRODUCT:** 141 15-pound boxes of frozen whiting at Indianapolis, Ind.

**LABEL, IN PART:** "Fresh Frozen Genuine Cape Cod Whiting."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed fish.)

**DISPOSITION:** September 11, 1947. Default decree of forfeiture and destruction.

**13629. Adulteration of frozen halibut and frozen lobster tails. U. S. v. Golden M & M, Inc., Jack Mandelbaum, Nathan Golden, and Morris Miller. Pleas of guilty. Corporation fined \$150; sentence against individuals suspended.** (F. D. C. No. 23327. Sample Nos. 63236-H, 63237-H, 63937-H, 65035-H.)

**INFORMATION FILED:** April 12, 1948, District of New Jersey, against Golden M & M, Inc., Newark, N. J., and Jack Mandelbaum, president, Nathan Golden, vice-president, and Morris Miller, secretary-treasurer.

**ALLEGED SHIPMENT:** On or about May 23 and July 19 and 24, 1946, from the State of New Jersey into the States of New York and Pennsylvania.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of decomposed substances, i. e., decomposed lobster tails and halibut.

**DISPOSITION:** May 28, 1948. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined \$150; suspended sentences were given the individual defendants.

**13630. Adulteration of canned crab meat. U. S. v. Fred Whorton, Jr. (Whorton Bros. Fish & Oyster House). Plea of nolo contendere. Fine, \$200.** (F. D. C. No. 24060. Sample Nos. 90370-H, 90371-H.)

**INFORMATION FILED:** December 30, 1947, Eastern District of North Carolina, against Fred Whorton, Jr., trading as Whorton Bros. Fish & Oyster House, Oriental, N. C.

**ALLEGED SHIPMENT:** On or about August 26 and 27, 1947, from the State of North Carolina into the States of Pennsylvania and New York.

**LABEL, IN PART:** "Whorton Brothers \* \* \* Claw Crab Meat."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, as evidenced by the presence of fecal *Escherichia coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 13, 1948. A plea of nolo contendere having been entered, the defendant was fined \$200.

**13631. Adulteration of canned crab meat. U. S. v. 300 Cases, etc.** (F. D. C. No. 23454. Sample Nos. 85217-H, 85218-H.)

**LIBEL FILED:** June 24, 1947, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about February 10, 1947, by the Orleans Seafood Co., from New Orleans, La.

**PRODUCT:** Canned crab meat. 300 cases, each containing 24 7<sup>8</sup>/<sub>10</sub>-ounce cans, and 299 cases, each containing 24 6<sup>1</sup>/<sub>2</sub>-ounce cans, at Richmond, Va.

**LABEL, IN PART:** "Orleans Brand Claw Meat \* \* \* Orleans Seafood Co. \* \* \* Distributors" or "Southland Brand Claw Meat \* \* \* Southland Canning & Packing Co. Inc. Distributors New Orleans, La."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed crab meat.)

**DISPOSITION:** November 6, 1947. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT\*

**13632. Misbranding of canned blackberries. U. S. v. 349 Cases \* \* \*.** (F. D. C. No. 23022. Sample No. 49500-H.)

**LIBEL FILED:** May 9, 1947, Eastern District of Texas.

\*See also No. 13673.



**ALLEGED SHIPMENT:** On or about March 27, 1947, by the Stedman Co., Lake Charles, La.

**PRODUCT:** 349 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Beaumont, Tex.

**LABEL, IN PART:** "Famous Star Brand Blackberries \* \* \* Packed by Star Canning Co., Lindale, Tex."

**NATURE OF CHARGE:** Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since water was not declared. (The product was packed in water.)

**DISPOSITION:** June 10, 1947. The Star Canning Co., Lindale, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration.

**13633. Misbranding of canned cherries. U. S. v. 160 Cases \* \* \*. (F. D. C. No. 21615. Sample Nos. 64455-H, 64566-H.)**

**LIBEL FILED:** November 6, 1946, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about July 16, 1946, by Escalon Packers, Inc., from Escalon, Calif.

**PRODUCT:** 160 cases, each containing 24 1-pound, 13-ounce cans, of cherries at Brooklyn, N. Y.

**LABEL, IN PART:** "Dora Seconds Dark Sweet Cherries."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the label of the article failed to bear as required by the definition and standard of identity for canned cherries the name of the optional packing medium in the article, since the label bore the statement "In Light Syrup," whereas the article was packed in sirup designated as "slightly sweetened water" in the standard. Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned cherries, since the weight of each cherry in the container was less than  $\frac{1}{10}$  ounce, the minimum permitted by the standard, and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** September 28, 1948. B. Dorman & Sons, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**13634. Misbranding of canned peaches. U. S. v. 145 Cases \* \* \*. (F. D. C. No. 22300. Sample No. 91511-H.)**

**LIBEL FILED:** February 24, 1947, District of Kansas.

**ALLEGED SHIPMENT:** On or about November 4, 1946, by the Pleasant Grove Canning Co., from Pleasant Grove, Utah.

**PRODUCT:** 145 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Goodland, Kans.

**LABEL, IN PART:** "Utah Valley Brand Yellow Freestone Peaches Peeled Halves Packed in Medium Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear as required by the regulations the name of the optional packing medium present in the food, since the label bore the statement "Packed in Medium Syrup" and the article was packed in light sirup; and, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since all units were not untrimmed or so trimmed as to preserve normal shape, and its label failed to bear the substandard legend.

**DISPOSITION:** May 28, 1947. The Pleasant Grove Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**13635. Misbranding of canned peaches. U. S. v. 49 Cases \* \* \*. (F. D. C. No. 24655. Sample No. 21457-K.)**

**LIBEL FILED:** On or about June 14, 1948, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 1, 1948, by the Colorado Mountain Foods Co., Grand Junction, Colo.

PRODUCT: 49 cases, each containing 24 1-pound, 13-ounce cans, of peaches at St. Joseph, Mo.

LABEL, IN PART: "Millhorn Brand Elberta Yellow Freestone Halves Peaches."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned peaches since the product had not been processed by heat so as to prevent spoilage. (Examination showed that the product was decomposed.)

DISPOSITION: August 3, 1948. Default decree of destruction.

**13636. Adulteration and misbranding of peach fountain fruit. U. S. v. 14 Cases**  
\* \* \*. (F. D. C. No. 22251. Sample No. 41227-H.)

LIBEL FILED: February 5, 1947, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about November 16, 1946, by the Mary Ann Preserving Co., from Chattanooga, Tenn.

PRODUCT: 14 cases, each containing 24 jars, of peach fountain fruit at Jonesboro, Ark.

LABEL, IN PART: (Jars) "Mary-Ann Peach Fountain Fruit \* \* \* Net Weight 14 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting primarily of a mixture of peaches and sugar in the ratio of approximately 200 pounds of fruit to each 55 pounds of sugar, and having a soluble-solids content of less than 65 percent, had been substituted for peach preserves.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents (the article was short-weight); and, Section 403 (g) (1), the article purported to be peach preserves, a food for which a definition and standard of identity has been prescribed, and it failed to conform to such definition and standard of identity since the soluble-solids content of the article was less than 65 percent as determined by the method prescribed in the definition and standard.

DISPOSITION: March 6, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**13637. Misbranding of canned pears. U. S. v. 75 Cases** \* \* \*. (F. D. C. No. 24197. Sample No. 3635-K.)

LIBEL FILED: December 22, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 27 and October 13, 1947, by the Valdosta Canning Co., from Valdosta, Ga.

PRODUCT: 75 cases, each containing 24 1-pound, 13-ounce cans, of pears at Emporia, Va.

LABEL, IN PART: "S-D-A Brand \* \* \* Pineapple Pears Mixed Pieces of Irregular Sizes and Shapes in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since it failed to meet the test for tenderness prescribed in the standard, and its label failed to bear the statement that it fell below the standard.

DISPOSITION: August 19, 1948. The Valdosta Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

#### DRIED FRUIT

**13638. Adulteration of dried apricots. U. S. v. 65 Cartons** \* \* \*. (F. D. C. No. 24493. Sample No. 20884-K.)

LIBEL FILED: March 19, 1948, District of Kansas.

ALLEGED SHIPMENT: On or about November 22, 1947, by the Vagim Packing Co., from Fresno, Calif.

PRODUCT: 65 30-pound cartons of dried apricots at Topeka, Kans.

LABEL, IN PART: "Home Pak Brand Slab California Apricots Packed by Fresno Home Packing Co., Fresno, Cal."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and dirty apricots.

**DISPOSITION:** July 7, 1948. Default decree of condemnation and destruction.

**13639. Adulteration of dried apricots. U. S. v. 124 Cases \* \* \*. (F. D. C. No. 24036. Sample Nos. 33267-K, 37319-K.)**

**LIBEL FILED:** December 23, 1947, Western District of Washington.

**ALLEGED SHIPMENT:** On or about October 29, 1947, by Rosenberg Bros. & Co., from Fresno, Calif.

**PRODUCT:** 124 30-pound cases of dried apricots at Tacoma, Wash.

**LABEL, IN PART:** "Stadium Brand California Dried Apricots Pacific Sales Co. Tacoma, Wash."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and dirty apricots.

**DISPOSITION:** March 3, 1948. Rosenberg Bros. & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be used for purposes other than for human consumption, under the supervision of the Federal Security Agency. The product was subsequently denatured and disposed of for use as hog feed.

**13640. Adulteration of prunes. U. S. v. 361 Boxes \* \* \* (and 3 other seizure actions). Cases consolidated and tried to the jury. Verdict for Government. Decree of condemnation and destruction. (F. D. C. Nos. 19965, 20042, 20235, 20390. Sample Nos. 58199-H, 58633-H, 58634-H.)**

**LIBELS FILED:** May 27 and 28, June 10, and July 18, 1946, Southern District of New York, District of Maine, Northern District of New York, and Western District of Washington.

**ALLEGED SHIPMENT:** On or about February 16 and March 9, 1946, by Rosenberg Bros. & Co., from Riddle and Portland, Oreg.

**PRODUCT:** Prunes. 361 boxes at New York, N. Y., 475 boxes at Portland, Maine, 770 boxes at Albany, N. Y., and 177 cases at Seattle, Wash. Each box and case contained 25 pounds.

**LABEL, IN PART:** "Northland Brand [or "Red Ribbon Brand"] \* \* \* Dried Oregon Prunes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of prunes affected with brown rot.

**DISPOSITION:** Rosenberg Bros. & Co., claimant, having filed a motion for consolidation and transfer of the cases, the United States District Court for the Western District of Washington, on November 15, 1946, entered an order directing the consolidation and transfer of the cases to the District of Oregon for trial. On June 4, 1947, the United States District Court for the District of Oregon dismissed the cases from that court and directed that the records in each case be forwarded to the court in which the cases had originated.

On August 26, 1947, pursuant to agreement of the parties, the United States District Court for the Western District of Washington entered an order consolidating the cases for trial in that district. The matter came on for trial before a jury on April 13, 1948, and at the conclusion of the trial on April 14, the jury returned a verdict in favor of the Government. On May 10, 1948, judgment of condemnation was entered and the product was ordered destroyed.

**13641. Adulteration of raisins. U. S. v. Peggy Boothe and John Campodonico. Pleas of not guilty. Tried to the court. Judgment of guilty. Each defendant fined \$100. (F. D. C. No. 21524. Sample Nos. 5061-H, 5062-H, 10889-H, 25689-H, 45465-H, 47092-H, 53001-H.)**

**INFORMATION FILED:** March 14, 1947, Northern District of California, against a partner in the Boothe Fruit Co., Modesto, Calif., Peggy Boothe, and John Campodonico, plant superintendent.

**ALLEGED SHIPMENT:** On or about December 1, 1945, and January 16 and 24 and February 4, 1946, from the State of California into the States of Colorado, Pennsylvania, New York, and Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of moldy and decomposed raisins.

DISPOSITION: March 3, 1948. A plea of not guilty having been entered by the defendants, the case was tried before the court. On March 3, 1948, the following opinion and order was handed down finding the defendants guilty and imposing a fine of \$100 against each.

LEMMON, *District Judge*: "This matter came on regularly for trial by the Court sitting without a jury. Emmet J. Seawell, Asst. United States Attorney, appeared for and on behalf of the plaintiff. The defendants were present with their attorney, Edward T. Taylor. Evidence was introduced, briefs have been filed, and the cause was duly submitted.

"The court finds that Peggy Boothe, defendant above named, was at all times herein mentioned the owner of and doing business under the name of Boothe Fruit Co. trading at Modesto, in the State of California, within the Northern Division of the Northern District of the State of California, and the defendant John Campodonico was at all times herein mentioned the superintendent and agent of the said Peggy Boothe; that on or about the 1st day of December, 1945, the defendants unlawfully caused to be introduced and delivered for introduction into interstate commerce at said city of Modesto, State of California, for delivery to Denver, Colorado, consigned to a shipper's order, notify J. B. Morris Co., c/o Weicker T & S Co., a number of cartons, each containing a food; that upon each of said cartons appeared the following printed matter:

30 Lbs. Net Prepared with Sulphur Dioxide  
SUN NUGGET BRAND  
Fancy  
Golden Bleached  
THOMPSON SEEDLESS RAISINS  
Packed for  
BOOTHE FRUIT CO.  
Modesto—California;

that said food consisted in part of a decomposed substance by reason of the presence in said food of moldy and decomposed raisins.

"That on or about the 16th of January, 1946, the defendants unlawfully caused to be introduced and delivered for introduction into interstate commerce at Empire, State of California, for delivery to Pueblo, Colorado, consigned to order of Boothe Fruit Co., notify J. B. Morris Co., a number of cartons, each containing a food; that upon each of said cartons appeared the following printed matter:

30 Lbs. Net  
SUN NUGGET  
Fancy  
Seedless Raisins  
Packed by  
BOOTHE FRUIT CO.  
Modesto—California;

that said food consisted in part of a decomposed substance by reason of the presence in said food of moldy and decomposed raisins.

"That on or about the 24th day of January, 1946 the defendants unlawfully caused to be introduced and delivered for introduction into interstate commerce at Stockton, State of California, for delivery to Philadelphia, Pennsylvania, consigned to E. W. Mills Company, a number of cartons, each containing a food; that upon each of said cartons appeared the following printed matter:

30 Lbs. Net Wt.  
SUN NUGGET  
Prepared with  
Sulphur Dioxide  
Extra Choice—or (Choice)  
Golden Bleached Thompson  
Seedless Raisins  
PACKED FOR  
THE BOOTHE FRUIT CO. MODESTO, CAL.;



that said food consisted in part of a decomposed substance by reason of the presence in said food of moldy and decomposed raisins.

"That on or about the 4th day of February, 1946, the defendants unlawfully caused to be introduced and delivered for introduction into interstate commerce at Empire, State of California, for delivery to Buffalo, New York, with partial unloading at Cleveland, Ohio, consigned to The A & P Co., a number of cartons, each containing a food; that upon each of said cartons appeared the following printed matter:

30 Lbs. Net Wt.  
HALL SEAL  
CHOICE  
Golden Bleached Thompson  
Seedless Raisins  
PACKED FOR

HARRY HALL & CO. INC. S. F. CALIF.;

that said food consisted in part of a decomposed substance by reason of the presence in said food of moldy and decomposed raisins;

"That the said mold hereinbefore referred to as to each shipment was dead.

"The question presented is whether dead mold contained within raisins which were introduced into interstate commerce violated the Federal Food, Drug and Cosmetic Act, especially Sections 331, 333, 342 (a) (3) of Title 21 U. S. C. It is apparent that the mold was the result of drying moldy grapes.

"It is admitted that dried fruits are covered by the Act, and that the administrator thereof does not have authority to establish a standard for dried fruits. It becomes the duty of the court to enforce the evident intent of Congress to protect the public (and at the same time maintain a reasonable approach with regard to the problem created in processing food).

"There being no fixed standard, each case in which it is alleged food is adulterated must be determined on the facts presented. U. S. v. 200 Cases of Adulterated Tomato Catsup 211 Fed. 780. The question posed is whether raisins consisting in part of a decomposed substance are adulterated under the measure of the Act.

"In determining if a food is adulterated the Act gives certain definitions among which is the following: 'A food shall be deemed to be adulterated \* \* \* (a) (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.' The obvious intent of Congress was to continue the strict construction of the act as it pertained to food. The words 'or if it is otherwise unfit for food' should be considered in the nature of emphasis and as an additional factor rather than words of qualification. The conditions must be considered in the disjunctive, U. S. v. 1851 Cartons, etc. Fish 146 F.2d 760; and this clause does not add an additional requirement, U. S. v. 935 Cases, etc. Tomato Puree, 65 F. Supp. 503.

"The fact that a product cannot be prepared and shipped in interstate commerce except in a decomposed or rotted state certainly can not justify permitting it so to be transported considering the plain language and purpose of the statute; nor are conditions of weather or methods of canning important if the product is found to be decomposed and rotten upon examination following interstate shipment. \* \* \* If the product under the evidence was in a state of substantial decomposition and rotten, as those terms are well understood, that ends their right to interstate shipment \* \* \*.' U. S. v. 935 Cases, etc., 65 F. Supp. 503, 505.

"To fall within the provisions of the Act it is not necessary that the decomposition be injurious to health or that it be unfit for human consumption. U. S. v. 200 Cases, etc. 211 Fed. 780, Anderson & Co. v. U. S. 284 Fed. 542 (9 Cir.), U. S. v. 1851 Cartons, etc. 146 F.2d 760, U. S. v. Commercial Creamery Co. 43 F. Supp. 714.

"The evidence having showed a substantial percentage of decomposition being present in the raisins shipped in interstate commerce by the defendants, there is a violation of the Federal Food, Drug and Cosmetic Act, and the defendants are guilty as charged in each of the four counts.

"It appears that the raisins involved had originally been processed with the end in view that twenty percent thereof would be diverted to the United States; that standards were set by the United States and that the defendants endeavored



to meet those standards and that government inspectors inspected and passed upon the raisins so produced. Under these circumstances the court finds that there was an absence of deliberate violation of the statute and the court deems that a fine of \$25 as to each defendant and as to each count, or a total fine of \$100 as to each defendant, would be an appropriate punishment. Imposition of sentence will be made in the absence of the defendants if they will file with this court within 10 days from the date hereof their written consent that such imposition of sentence may be made in the absence of said defendants pursuant to Rule 43 of the Federal Rules of Criminal Procedure; if such consent is not filed within said period the matter of pronouncing sentence will be upon the calendar of this court on Monday, March 15th, 1948."

#### MISCELLANEOUS FRUIT PRODUCTS\*

**13642. Adulteration of applesauce. U. S. v. 548 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 22504, 22505. Sample Nos. 41303-H, 41304-H.)

**LIBELS FILED:** February 11 and 12, 1947, Eastern District of Missouri and Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 23, 1946, by Stokely-Van Camp, Inc., Indianapolis, Ind., from Owosso, Mich.

**PRODUCT:** Applesauce. 548 cases at Canton, Mo., and 45 cases at Quincy, Ill. Each case contained 24 1-pound, 4-ounce cans.

**LABEL, IN PART:** "Our Favorite Brand Apple Sauce \* \* \* Distributed By Fame Canning Company, Inc., Indianapolis, Ind."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its having an offensive sulfide-like odor and taste.

**DISPOSITION:** May 24, 1948. The cases having been consolidated for trial in the Eastern District of Illinois, and Stokely-Van Camp, Inc., claimant, having withdrawn its answer and requested the entry of a decree of condemnation, judgment of condemnation was entered and the product was ordered destroyed.

**13643. Misbranding of applesauce. U. S. v. 502 Cases \* \* \*. Claimant's request for answer to interrogatories granted. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 22584. Sample No. 69925-H.)

**LIBEL FILED:** On or about March 11, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 6, 1946, by Stokely-Van Camp, Inc., from Owosso, Mich.

**PRODUCT:** 502 cases, each containing 24 1-pound, 4-ounce cans, of applesauce at Chicago, Ill.

**LABEL, IN PART:** "Our Favorite Brand Apple Sauce Sugar Added \* \* \* Distributed By Fame Canning Company, Inc. Indianapolis, Ind."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Sugar Added" was misleading since the product contained little, if any, added sugar.

**DISPOSITION:** Stokely-Van Camp, Inc., having appeared as claimant and having filed interrogatories on November 5, 1947, the court ruled in favor of the claimant, as follows:

**LABUY, District Judge:** "In accord with the opinion of the Supreme Court of the United States in *443 Cans of Frozen Egg Products v. U. S.*, 226 U. S. 172 and *C. J. Hendry Co. v. Moore*, 318 U. S. 133, holding that district courts proceed as courts of common law and not as courts of admiralty regarding seizures on the land, this court holds the Federal Rules of Civil Procedure apply to these proceedings.

"The libel herein relates to misbranding in that the addition of the words SUGAR ADDED to the label is misleading 'as applied to an article containing little if any added sugar.' Interrogatories submitted by defendant request substantially the following information: type and description of tests used to determine sugar content and amount of sugar content in the product, when and by whom the tests were taken, number of samples tested, and amount of sugar disclosed by such tests. These are directed to the evidentiary facts underlying the allegation in the libel of 'little if any added sugar' and are directed to

\*See also Nos. 13502-13504, 13509, 13510.



material evidence, disclosure of which at this time is objected to by the Government. Rule 33 of the Rules of Civil Procedure should be liberally construed for its purpose is to 'lift the veil of dark secrecy' incident to trials. The court believes the interrogatories to be proper and rules that answers be made thereto.

"An order has this day been entered in accord with the above, and plaintiff is ordered to make answer within 20 days."

Subsequent to the entry of above ruling, counsel for the claimant announced that in all probability the action would not be contested, and, consequently, the work of preparing answers to the interrogatories was not completed. On January 12, 1948, the claimant having requested the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

**13644. Adulteration of fig paste. U. S. v. 680 Cartons \* \* \* (and 1 other seizure action). Cases consolidated and tried to the jury. Verdict for the Government. Decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 16106, 16132. Sample Nos. 5728-H, 5729-H, 11825-H.)**

**LIBELS FILED:** May 4 and 11, 1945, Eastern District of New York and District of Massachusetts.

**ALLEGED SHIPMENT:** On or about February 7, 1945, by Jack Gomperts & Co., from Fresno, Calif.

**PRODUCT:** Fig paste. 1,883 80-pound cases at Brooklyn, N. Y., and 680 80-pound cartons at Boston, Mass.

**LABEL, IN PART:** "Concordia Brand Adriatic Fig Paste," "Matador Brand California Black Mission Fig Paste," or "Calif. White Fig Paste."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and larvae fragments.

**DISPOSITION:** On July 17, 1945, pursuant to agreement between the Government, and Jack Gomperts & Co., claimant, an order was entered for removal and consolidation of the cases for trial in the Southern District of California. The claimant also filed interrogatories, and objections thereto were filed by the Government, which objections were subsequently sustained by the court. The matter came on for trial before a jury, but no verdict was rendered due to the inability of the jury to agree. The matter was retried before another jury, beginning April 23, 1946, and on April 25 the jury rendered a verdict in favor of the Government. In accordance therewith, judgment of condemnation was entered on July 31, 1946, against the 680-case lot, and the product was ordered released under bond to the claimant on condition that the fig paste be used for distillation purposes, under the supervision of the Federal Security Agency. On April 10, 1947, the decree was amended to allow the claimant to dispose of the product for hog feed. On November 19, 1947, judgment of condemnation was entered against the 1,883-case lot and it was ordered that this lot be released under bond for use as cattle feed or for distillation purposes.

**13645. Misbranding of blackberry jelly and blackberry preserves. U. S. v. Shuford Foods, Inc. Plea of nolo contendere. Fine, \$125. (F. D. C. No. 24777. Sample Nos. 54865-H, 54872-H, 814-K, 817-K, 818-K.)**

**INFORMATION FILED:** June 1, 1948, Northern District of Georgia, against Shuford Foods, Inc., Atlanta, Ga.

**ALLEGED SHIPMENT:** On or about June 11 and 17, September 26, and October 14 and 28, 1947, from the State of Georgia into the States of North Carolina, South Carolina, and Florida.

**LABEL, IN PART:** "Georgia Miss \* \* \* Blackberry Preserves 16 Ounces," and "Georgia Miss \* \* \* Blackberry Jelly 11 [or "16"] Ounces."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), (blackberry preserves) the product failed to conform to the definition and standard of identity prescribed by the regulations. There were 3 shipments of blackberry preserves involved, and in 2 shipments the soluble-solids content was less than 68 percent, the minimum prescribed by the standard; and the optional saccharine ingredient contained corn sirup, and the weight of the corn sirup solids consisted of



more than one-half of the weight of the solids of the total optional saccharine ingredient. In the third shipment the product had been made from a mixture composed of less than 45 parts by weight of the fruit ingredient, blackberries, to each 55 parts by weight of one of the optional saccharine ingredients specified in the standard.

Further misbranding, Section 403 (e) (2), (one lot of blackberry preserves and both lots of blackberry jelly) the products failed to bear labels containing an accurate statement of the quantity of the contents since the jars contained less than the amount declared on the label.

DISPOSITION: October 25, 1948. A plea of nolo contendere having been entered, the defendant was fined \$125.

**13646. Adulteration and misbranding of grape jelly. U. S. v. 9 cases \* \* \*.**  
(F. D. C. No. 24735. Sample No. 741-K.)

LIBEL FILED: May 17, 1948, Northern District of Florida.

ALLEGED SHIPMENT: On or about March 1, 1948, by Rich & Morgan, Inc., from Atlanta, Ga.

PRODUCT: 9 cases, each containing 6 8½-pound jars, of grape jelly at Gainesville, Fla.

LABEL, IN PART: "De.lish.us Brand Pure Grape Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing artificial flavoring and artificial coloring and deficient in fruit juice had been substituted for grape jelly.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for grape jelly since it was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients and contained artificial flavoring and artificial coloring, which are not permitted as ingredients of grape jelly.

DISPOSITION: September 4, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as hog feed.

**13647. Adulteration and misbranding of grape and plum jelly. U. S. v. 379 Cases, etc.** (F. D. C. No. 22712. Sample Nos. 77244-H, 77245-H.)

LIBEL FILED: March 19, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about December 17, 1946, by the Seminole Fruit & Preserving Co., Little River, Fla.

PRODUCT: 554 cases, each containing 24 jars, of jelly at La Crosse, Wis.

LABEL, IN PART: "Cobbs Pure Tropical Fruit Delicacies Plum [or "Grape"] Jelly \* \* \* Net. Wt. 1 lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products of less than 65-percent soluble-solids content had been substituted for plum jelly and grape jelly.

Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard for plum and grape jellies since they had not been concentrated by heat to such point that the soluble-solids content was not less than 65 percent; and, Section 403 (e) (2), they failed to bear labels containing an accurate statement of the quantity of the contents. (The jars were short-weight.)

DISPOSITION: June 3, 1947. The Cobbs Fruit & Preserving Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law by remanufacturing, and the destruction of the unfit portion, under the supervision of the Food and Drug Administration. A total of 247 pounds of the jellies was destroyed. [Editor's note: In addition to being deficient in solids and short weight, the products were in part fermented, moldy, or otherwise decomposed.]

**13648. Adulteration and misbranding of strawberry jelly, blackberry jelly, and black raspberry preserves. U. S. v. 7 Cases, etc.** (F. D. C. No. 24757. Sample Nos. 16844-K to 16846-K, incl.)

LIBEL FILED: May 5, 1948, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about February 4, 1948, by Royal Palm Kitchens, from Chicago, Ill.



**PRODUCT:** 7 cases of strawberry jelly, 8 cases of blackberry jelly, and 47 cases of black raspberry preserves at Milwaukee, Wis. Each case contained 24 12-ounce jars.

**LABEL, IN PART:** "Royal Palm Pure Strawberry Jelly [or "Blackberry Jelly" or "Black Raspberry Preserves"]."

**NATURE OF CHARGE:** Strawberry and blackberry jelly. Adulteration, Section 402 (b) (2), products deficient in fruit juice and containing less than 65 percent soluble-solids content had been substituted for strawberry and blackberry jellies.

Black raspberry preserves. Adulteration, Section 402 (b) (2), a product deficient in fruit and containing less than 68 percent soluble-solids content had been substituted for black raspberry preserves.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for strawberry and blackberry jelly and black raspberry preserves. The jellies were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredients to each 55 parts by weight of one of the saccharine ingredients, and the soluble-solids content of the finished jelly was less than 65 percent. The preserve was made from a mixture composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients, and the soluble-solids content of the finished product was less than 68 percent.

**DISPOSITION:** August 3, 1948. Default decree of condemnation. The products were ordered delivered to charitable institutions.

#### VEGETABLES

**13649. Adulteration of frozen green beans. U. S. v. 98 Cases \* \* \*. (F. D. C. No. 20357. Sample Nos. 45517-H, 46661-H.)**

**LIBEL FILED:** June 26, 1946, Northern District of California.

**ALLEGED SHIPMENT:** On or about March 26, 1946, by the Southland Products Co., from Dade City, Fla.

**PRODUCT:** 98 cases, each containing 16 2½-pound packages, of frozen green beans at Modesto, Calif. Examination showed that the product was sour and decomposed.

**LABEL, IN PART:** "Southland Frozen Fresh French Cut Beans Southland Products Co., New York, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** September 20, 1946. Default decree of condemnation and destruction.

**13650. Misbranding of canned green beans. U. S. v. 284 Cases \* \* \*. (F. D. C. No. 24117. Sample No. 2414-K.)**

**LIBEL FILED:** November 20, 1947, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about August 15, 1947, by I. N. Dovel Co., Inc., from Luray, Va.

**LABEL, IN PART:** "Hawksbill Brand Cut Green Beans \* \* \* packed by Hawksbill Cannery."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut green beans since it contained seeds and pieces of seed in excess of the amount permitted by the standard and the deseeded pods contained fibrous material in excess of the amount permitted; and its label failed to bear a statement that it fell below the standard.

**DISPOSITION:** July 16, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**13651. Adulteration of canned corn. U. S. v. 2,147 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24413, 25226. Sample Nos. 26139-K, 27533-K.)**

**LIBELS FILED:** On or about February 9 and August 2, 1948, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about November 8, 1947, by the Center Point Canning Co., Center Point, Iowa.

PRODUCT: 2,272 cases, each containing 24 1-pound, 4-ounce cans, of corn at Springfield, Mo.

LABEL, IN PART: "Iowa Cream Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: May 24 and October 4, 1948. Default decrees of destruction.

**13652. Adulteration of canned corn. U. S. v. 1,790 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 23950, 24571. Sample Nos. 2408-K, 2471-K.)

LIBELS FILED: November 5, 1947, and March 29, 1948, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 15 and October 28, 1947, by the Greenmount Canning Co., from Greenmount, Md.

PRODUCT: Canned Corn. 1,790 cases at Charleston, W. Va., and 246 cases at Minden, W. Va. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Green Mount Brand Cream Style White Sugar Corn" or "Happy Meals Brand Cream Style Golden Sugar Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms, worm fragments and parts, and worm-eaten corn.

DISPOSITION: February 26 and July 6, 1948. Default decrees of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**13653. Adulteration of canned corn. U. S. v. 85 Cases \* \* \* (and 6 other seizure actions).** (F. D. C. Nos. 24638, 24671, 24962, 24964 to 24966, incl., 25413. Sample Nos. 22108-K, 23002-K, 23004-K, 23321-K, 23365-K to 23368-K, incl., 39982-K.)

LIBELS FILED: Between the approximate dates of May 14 and August 26, 1948, Eastern District of Louisiana, Northern District of Indiana, and Southern District of Mississippi.

ALLEGED SHIPMENT: Between the approximate dates of November 5 and December 30, 1947, by the J. B. Inderrieden Co., from Mendota, Ill.

PRODUCT: 964 cases, each containing 24 1-pound, 4-ounce cans, of corn in various lots at New Orleans, La., and Fort Wayne, Ind., and Vicksburg, Natchez, Woodville, and Jackson, Miss.

LABEL, IN PART: "Old Abe [or "Peter-Pan"] Cream Style White Corn" or "Little Elf White Sweet Corn Cream Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, larvae parts, and insect fragments.

DISPOSITION: July 23, November 15 and 17, and December 1 and 10, 1948. Default decrees of condemnation and destruction.

**13654. Adulteration of canned mushrooms. U. S. v. 15 Cases, etc. (and 9 other seizure actions).** (F. D. C. Nos. 19628 to 19630, incl., 19808, 19809, 19828 to 19832, incl. Sample Nos. 25321-H, 25326-H, 25328-H, 47349-H, 49057-H, 49108-H, 49109-H, 49424-H, 49428-H, 49433-H, 49435-H.)

LIBELS FILED: Between the approximate dates of April 19 and July 25, 1946, Northern District of Texas.

ALLEGED SHIPMENT: Between the approximate dates of December 26, 1945, and March 11, 1946, by the Delaware Mushroom Cooperative Assoc., from Hockessin, Del.

PRODUCT: 259 cases, each containing 24 4-ounce or 8-ounce cans, of mushrooms in various lots at Dallas, Fort Worth, San Angelo, Vernon, and Wichita Falls, Tex.

LABEL, IN PART: "First State Fancy Buttons [or "Stems and Pieces"] Mushrooms."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was decomposed.)



**DISPOSITION:** June 22, 1946. The Delaware Mushroom Cooperative Assoc., claimant, having admitted the facts of the libels, judgments of forfeiture were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was destroyed.

**13655. Misbranding of canned mushrooms in gravy. U. S. v. 20 Cases \* \* \*.** (F. D. C. No. 20340. Sample No. 58679-H.)

**LIBEL FILED:** June 27, 1946, Territory of Hawaii.

**ALLEGED SHIPMENT:** On or about May 23, 1946, by the West Mushroom Co., from Salem, Oreg.

**PRODUCT:** 20 cases, each containing 48 10-ounce cans, of mushrooms in gravy at Honolulu, T. H.

**LABEL, IN PART:** "Shady Oak Mushrooms in Gravy."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Shady Oak Mushrooms in Gravy" was false and misleading as applied to the article, which contained only approximately 8.5 percent of sliced mushrooms.

**DISPOSITION:** April 4, 1947. James E. Hogan, trading as Evans Wholesale, Honolulu, T. H., having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. On August 19, 1948, it was ordered that the product be delivered for consumption by the inmates of a charitable or public institution.

**13656. Adulteration of mustard greens. U. S. v. 218 Cases \* \* \*.** (F. D. C. No. 21755. Sample No. 72562-H.)

**LIBEL FILED:** On or about November 26, 1946, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about July 20, 1946, by the Hinton Food Products Co., from Rogers, Ark.

**PRODUCT:** 218 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Amarillo, Tex.

**LABEL, IN PART:** "Staff-O-Life Mustard Greens."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** September 16, 1948. The Hinton Food Products Co., claimant, having filed an answer denying that the product was adulterated and subsequently having indicated that it did not desire to further contest the matter, judgment of condemnation was entered and the product was ordered destroyed.

**13657. Adulteration of black-eyed peas. U. S. v. 1,448 Cases \* \* \*.** (F. D. C. No. 22373. Sample No. 50444-H.)

**LIBEL FILED:** January 8, 1947, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about November 22, 1946, by the Delta Canning Co., from Raymondville, Tex.

**PRODUCT:** 1,448 cases, each containing 24 1-pound, 3-ounce cans, of black-eyed peas at New Orleans, La.

**LABEL, IN PART:** "Delco Brand Fresh Shelled Black-Eyed Peas with Snaps."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** March 11, 1947. Default decree of condemnation and destruction.

**13658. Misbranding of canned peas. U. S. v. 1,417 Cases \* \* \*.** (F. D. C. No. 24020. Sample No. 4288-K.)

**LIBEL FILED:** December 19, 1947, District of Vermont.

**ALLEGED SHIPMENT:** On or about October 12, 1946, by Model City Canning Co., Inc., from Model City, N. Y.

**PRODUCT:** 1,417 cases, each containing 24 1-pound, 4-ounce cans, of peas at Burlington, Vt.

**LABEL, IN PART:** "Model City Blue Brand Sweet Garden Peas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard in quality because of high alcohol-insoluble solids.

**DISPOSITION:** July 6, 1948. B. J. Fayette, trading as the Vermont Fruit & Grocery Co., Burlington, Vt., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**13659. Misbranding of canned peas. U. S. v. 33 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 22225, 22231. Sample Nos. 90727-H, 90728-H.)

**LIBELS FILED:** January 28 and 29, 1947, District of Columbia and District of Maryland.

**ALLEGED SHIPMENT:** On or about October 30 and 31, 1946, by the Mineral Point Co-Operative Packers, Inc., from Mineral Point, Wis.

**PRODUCT:** Canned peas. 33 cases at Washington, D. C., and 49 cases at Mount Rainier, Md. Each case contained 24 1-pound, 4-ounce, cans of the product.

**LABEL, IN PART:** "Good Meal Brand Wisconsin Early June Peas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article was below standard in quality because of high alcohol-insoluble solids."

**DISPOSITION:** March 3, 1947. Default decrees of condemnation. The product was ordered delivered to charitable institutions.

**13660. Adulteration of frozen spinach. U. S. v. 1,992 Cases \* \* \*. (F. D. C. No. 24645. Sample No. 26053-K.)**

**LIBEL FILED:** May 20, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about December 30, 1947, by the Terminal Refrigerating Co., Los Angeles, Calif.

**PRODUCT:** 1,992 cases, each containing 24 14-ounce packages, of frozen spinach at St. Louis, Mo.

**LABEL, IN PART:** "Hemet Spinach \* \* \* Packed by Hemet Packing Co., Hemet, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its unpleasant taste and odor, which rendered it unpalatable.

**DISPOSITION:** September 23, 1948. Default decree of condemnation and destruction.

**13661. Adulteration of canned spinach. U. S. v. 273 Cases \* \* \* (and 2 other seizure actions).** (F. D. C. Nos. 22328, 22387, 22445. Sample Nos. 38412-H, 67817-H, 67819-H.)

**LIBELS FILED:** December 27, 1946, and January 14 and 28, 1947, Eastern District of Oklahoma, Eastern District of Michigan, and Western District of Oklahoma.

**ALLEGED SHIPMENT:** March 20 and May 31, 1946, by Whiteside Cannery, Van Buren, Ark.

**PRODUCT:** Canned Spinach. 273 cases at Ardmore, Okla., 367 cases at Norman, Okla., and 49 cases at Ann Arbor, Mich. Each case contained 24 1-pound, 2-ounce cans.

**LABEL, IN PART:** "Nu Crest Brand Spinach \* \* \* Packed for Record Supply Corporation, Chicago, Illinois" or "Staff-O-Life Brand \* \* \* Distributed by Cannery Exchange Inc., Springfield, Mo."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was decomposed.)

**DISPOSITION:** February 13 and March 13 and 18, 1947. Default decrees of condemnation. The Ann Arbor lot was ordered delivered to a Federal institution, for use as fertilizer, and the remaining lots were ordered destroyed.

**13662. Misbranding of canned spinach. U. S. v. 433 Cases \* \* \*. (F. D. C. No. 21779. Sample No. 72571-H.)**

**LIBEL FILED:** December 17, 1946, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about July 5, 1946, by the Hinton Food Products Co., from Rogers, Ark.



**PRODUCT:** 433 cases, each containing 24 cans, of spinach at Amarillo, Tex.

Examination showed that the product was not fancy, because of the mushy character of the leaves, some of which were almost completely disintegrated.

**LABEL, IN PART:** "Laddie Brand Fancy Spinach Contents 1 Lb. 2 Ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the designation "Fancy Spinach" was false and misleading as applied to a product that was not fancy spinach.

**DISPOSITION:** July 21, 1947. Walter Hinton, claimant, having admitted the facts set forth in the libel, judgment of forfeiture was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**13663. Misbranding of canned sweet potatoes. U. S. v. 780 Cases \* \* \*.**  
(F. D. C. No. 24459. Sample No. 26158-K.)

**LIBEL FILED:** On or about March 12, 1948, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about November 23, 1945, by A. W. Sisk & Son, from Preston, Md.

**PRODUCT:** 780 cases, each containing 24 1-pound, 13-ounce cans, of sweet potatoes at Springfield, Mo.

**LABEL, IN PART:** "Kroger's Avondale Quality Brand Sweet Potatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for canned sweet potatoes since it had not been processed by heat so as to prevent spoilage (the product was decomposed); and, Section 403 (g) (2), the product was represented as canned sweet potatoes, and its label failed to bear as required by the definition and standard of identity the optional form of units contained therein, i. e., mashed sweet potatoes.

**DISPOSITION:** On or about July 20, 1948. Default decree of condemnation and destruction.

#### TOMATOES AND TOMATO PRODUCTS\*

**13664. Misbranding of canned tomatoes. U. S. v. Manuel Mitchell Wohl (South Side Market). Motion to quash denied. Plea of nolo contendere. Fine, \$50.** (F. D. C. No. 24223. Sample No. 22299-H.)

**INFORMATION FILED:** April 16, 1948, Western District of Missouri, against Manuel Mitchell Wohl, trading as the South Side Market, St. Louis, Mo.

**ALLEGED VIOLATION:** Between the dates of April 9 and 11, 1947, the defendant caused a quantity of canned tomatoes to be misbranded while they were held for sale after shipment in interstate commerce. These tomatoes had originally been shipped from Westville, Okla., to St. Louis, Mo., bearing a standard label. They were, however, substandard and were seized at St. Louis, Mo., condemned as misbranded, and released under bond for relabeling. The tomatoes were relabeled by pasting a strip label bearing the substandard legend "Below Standard in Quality Good Food—Not High Grade" over the original label. On or about April 7, 1947, the defendant purchased 50 cans of these tomatoes, and subsequent to such purchase caused the substandard legend to be removed from a number of cans of the product and sold them to various purchasers as standard tomatoes.

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality prescribed by the regulations, because of poor color and excessive peel; and when sold by the defendant, the product was not labeled to show that it was substandard.

**DISPOSITION:** The defendant filed a motion to quash the information, alleging as grounds, among others, that the product was no longer in interstate commerce at the time of the act of the defendant and therefore beyond the power of Congress to regulate, control, or punish. On June 4, 1948, the motion was denied. On August 24, 1948, a plea of nolo contendere having been entered by the defendant, a fine of \$50 was imposed.

\*See also Nos. 13511-13513.



**13665. Misbranding of canned tomatoes. U. S. v. Iken's Market Basket, Inc. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 24240. Sample Nos. 86553-H, 86554-H.)**

**INFORMATION FILED:** April 8, 1948, Eastern District of Missouri, against Iken's Market Basket, Inc., St. Louis, Mo.

**ALLEGED VIOLATION:** Between the dates of April 21 and May 14, 1947, the defendant caused a quantity of canned tomatoes to be misbranded while they were held for sale after shipment in interstate commerce. These tomatoes had originally been shipped from Westville, Okla., to St. Louis, Mo., bearing a standard label. They were, however, substandard and were seized at St. Louis, Mo., condemned as misbranded, and released under bond for relabeling. The tomatoes were relabeled by pasting a strip label bearing the substandard legend "Below Standard in Quality Good Food—Not High Grade" over the original label. On or about April 21, 1947, the defendant purchased 50 cases of these tomatoes, and subsequent to such purchase caused the substandard legend to be removed from certain cans of the product and sold them to various purchasers as standard tomatoes.

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality prescribed by the regulations, because of poor color and excessive peel; and when sold by the defendant, the product was not labeled to show that it was substandard.

**DISPOSITION:** April 28, 1948. A plea of nolo contendere having been entered, the defendant was fined \$200.

**13666. Misbranding of canned tomatoes. U. S. v. 2,190 Cases \* \* \*. (F. D. C. No. 24184. Sample No. 26123-K.)**

**LIBEL FILED:** On or about December 19, 1947, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about September 9, 1947, by the Roberts Canning Co., from Fayetteville, Ark.

**PRODUCT:** 2,190 cases, each containing 24 1-pound, 3-ounce cans of tomatoes at Springfield, Mo.

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article was substandard in quality since it failed to meet the requirements of the standard for strength and redness of color, and its label failed to bear a statement that the product fell below such standard.

**DISPOSITION:** April 5, 1948. The Roberts Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**13667. Misbranding of canned tomatoes. U. S. v. 34 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 22532, 23803, 24300. Sample Nos. 62231-H, 7005-K, 13038-K.)**

**LIBELS FILED:** February 13 and October 13, 1947, and January 5, 1948, District of Montana, Northern District of Ohio, and Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 16, 1946, and August 1 and September 10, 1947, from Easton, Longwoods, and Cambridge, Md., by A. W. Sisk & Son.

**PRODUCT:** Canned tomatoes. 34 cases at Helena, Mont., 163 cases at Youngstown, Ohio, and 1,999 cases at Philadelphia, Pa. Each case contained 24 1-pound, 3-ounce cans of tomatoes. Examination showed that the Montana lot contained excessive tomato peel and that the other lots were in part decomposed.

**LABEL, IN PART:** "Longwoods Brand Tomatoes \* \* \* Packed in U. S. A. by Longwoods Canning Co. Factory Longwoods, Md." or "Pine Cone Brand Tomatoes \* \* \* Albert W. Sisk & Son Distributors—Not Manufacturers."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the Ohio and Pennsylvania lots failed to conform to the definition and standard of identity for canned tomatoes since they had not been processed by heat so as to prevent spoilage.

Misbranding, Section 403 (h) (1), the Montana lot fell below the standard of quality for canned tomatoes since it contained tomato peel, per pound of canned tomatoes in the container, which covered an area of more than one square inch; and its label failed to bear a statement that it fell below such standard.



**DISPOSITION:** April 17, 1947, and January 8 and 29, 1948. Edgar W. Wrightson of Albert W. Sisk & Son, representing Leonard A. Simmons, the owner of the merchandise, having appeared as claimant for the Pennsylvania lot and consented to the entry of a decree, and no claimants having appeared for the other lots, judgments of condemnation were entered. The Montana lot was ordered delivered for the use of a State institution; the Ohio lot was ordered destroyed; and the Pennsylvania lot was ordered released under bond for the segregation of the unfit portion, under the supervision of the Federal Security Agency. Of the 1,999 cases seized at Philadelphia, Pa., 111 $\frac{1}{6}$  cases were segregated as unfit and were subsequently destroyed.

**13668. Misbranding of canned tomatoes. U. S. v. 219 Cases \* \* \*. (F. D. C. No. 24761. Sample No. 15159-K.)**

**LIBEL FILED:** May 7, 1948, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about September 11 and 13, 1947, by A. W. Sisk & Son, from Pocomoke City, Md.

**PRODUCT:** 219 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Grand Rapids, Mich.

**LABEL, IN PART:** "Somerset Brand Tomatoes \* \* \* Packed by Somerset Packing Co., Inc., Pocomoke City, Maryland."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and since it contained excessive tomato peel; and the label failed to bear the statement that the product was below standard.

**DISPOSITION:** August 6, 1948. The Somerset Packing Co., Inc., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**13669. Misbranding of canned tomatoes. U. S. v. 245 Cases \* \* \*. (F. D. C. No. 23685. Sample No. 76665-H.)**

**LIBEL FILED:** September 11, 1947, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about June 19 and July 22, 1947, by Quality Products, Inc., La Feria, Tex.

**PRODUCT:** 245 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Shreveport, La.

**LABEL, IN PART:** "Curtis Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it failed to meet the requirements for color, since peel per pound of canned tomatoes in the container covered an area of more than 1 square inch, and since it failed to bear the statement that it fell below the standard.

**DISPOSITION:** October 27, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**13670. Misbranding of canned tomatoes. U. S. v. 145 Cases \* \* \*. (F. D. C. No. 23717. Sample No. 94151-H.)**

**LIBEL FILED:** On or about September 22, 1947, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about August 16, 1947, by the Rogers Canning Co., from Rogers, Ark.

**PRODUCT:** 145 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Louis, Mo.

**LABEL, IN PART:** "Red Raven Hand Packed Tomatoes \* \* \* Distributed By Cannery Exchange, Inc. Springfield, Mo."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and it failed to bear the substandard legend.

**DISPOSITION:** November 10, 1947. The Rogers Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be sorted and relabeled under the supervision of the Food and Drug Administration.

**13671. Misbranding of canned tomatoes. U. S. v. 87 Cases \* \* \*. (F. D. C. No. 22166. Sample No. 53638-H.)**

**LIBEL FILED:** January 9, 1947, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 18, 1946, by the Springdale Canning Co., from Springdale, Ark.

**PRODUCT:** 87 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Dayton, Ohio.

**LABEL, IN PART:** "Little Mill Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and its label failed to bear a statement that it fell below the standard.

**DISPOSITION:** March 26, 1947. The Steele Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**13672. Misbranding of canned tomatoes. U. S. v. 50 Cases \* \* \*. (F. D. C. No. 24181. Sample No. 22050-K.)**

**LIBEL FILED:** December 15, 1947, Northern District of Mississippi.

**ALLEGED SHIPMENT:** On or about August 13, 1947, by the Halls Canning Co., from Halls, Tenn.

**PRODUCT:** 50 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Columbus, Miss.

**LABEL, IN PART:** "Pride of Halls Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard in quality because it failed to meet the requirements for color, and the label failed to bear a statement that the product was below standard.

**DISPOSITION:** July 9, 1948. The Halls Canning Co., having filed an agreement releasing all claim or title to the product, judgment was entered ordering that the product be delivered to a charitable institution.

**13673. Adulteration of tomato paste and tomato puree and misbranding of canned apricots and canned diced peaches and pears. U. S. v. Flotill Products, Inc. Plea of guilty. Fine, \$5,000. (F. D. C. No. 20115. Sample Nos. 73404-F, 73420-F, 85945-F, 5212-H, 5213-H, 8807-H, 25658-H, 25898-H, 25899-H, 28472-H, 29462-H, 47313-H, 47703-H.)**

**INDICTMENT RETURNED:** September 12, 1946, Northern District of California, against Flotill Products, Inc., Stockton and Modesto, Calif.

**ALLEGED VIOLATION:** The defendant was charged with giving a false guaranty on or about June 21, 1944, to the American Factors, Ltd., of Honolulu, T. H. This guaranty provided that all articles of food sold by the defendant to the American Factors, Ltd., would comply with the Federal Food, Drug, and Cosmetic Act. On or about November 10, 1944, the defendant delivered to the American Factors, Ltd., a number of cans of tomato puree which was adulterated; and on or about February 2, 1945, the American Factors, Ltd., shipped the cans of tomato puree from San Francisco, Calif., to Honolulu, Territory of Hawaii.

In addition it was charged that during the period of July 25, 1944, to November 20, 1945, the defendant shipped from the State of California into the States of Washington, Oklahoma, Colorado, Pennsylvania, and New York, quantities of tomato paste and tomato puree which were adulterated, and canned whole apricots and apricot halves and canned diced peaches and pears which were misbranded.

**LABEL, IN PART:** "Flotta Tomato Paste," "Flotta Tomato Puree," "Flotill Tomato Paste," "Flotill Whole Apricots In Heavy Syrup," "Flotta Unpeeled Halves Apricots In Light Syrup," or "Flotill Peaches and Pears Diced In Heavy Syrup."

**NATURE OF CHARGE:** Tomato paste and tomato puree. Adulteration, Section 402 (a) (3), the products consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Whole apricots and halves. Misbranding, Section 403 (a), the label statements "In Heavy Syrup" on the canned whole apricots and "In Light Syrup" on the canned apricot halves were false and misleading since the whole



apricots were packed in light sirup and the apricot halves were packed in slightly sweetened water. Further misbranding, Section 403 (g) (2), the products purported to be and were represented as canned apricots, a food for which a definition and standard of identity has been prescribed by the regulations; and the label failed to bear as required by the regulations the name of the optional packing medium present in the food since the label of the whole apricots bore the statement "In Heavy Syrup," although the product was packed in light sirup, and the label of the apricot halves bore the statement "In Light Syrup," although the product was packed in slightly sweetened water.

Diced peaches and pears. Misbranding, Section 403 (a), the label statement "Diced" and the design depicting diced peaches and pears, displayed on the cans, were false and misleading since the product consisted of chopped peaches and pears.

**DISPOSITION:** October 18, 1947. A plea of guilty having been entered, the defendant was fined \$5,000.

**13674. Adulteration of tomato puree. U. S. v. 59 Cases \* \* \*. (F. D. C. No. 17747. Sample No. 30016-H.)**

**LIBEL FILED:** October 26, 1945, Territory of Hawaii.

**ALLEGED SHIPMENT:** On or about September 19, 1945, by Theo. H. Davies & Co., Ltd., from San Francisco, Calif.

**PRODUCT:** 59 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Honolulu, T. H.

**LABEL, IN PART:** "Tomato Puree \* \* \* Packed by Sunseri Packing Co. Campbell Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 26, 1946. Theo. H. Davies & Co., Ltd., owner and claimant of the product, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**13675. Adulteration of tomato puree. U. S. v. 312 Cases \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 22293, 22295, 22296, 22549. Sample Nos. 41986-H, 43182-H, 90743-H, 90745-H.)**

**LIBELS FILED:** On or about February 14 and 19, 1947, Eastern and Western Districts of West Virginia and District of Columbia.

**ALLEGED SHIPMENT:** On or about November 11, 19, and 25, and December 2, 1946, by A. W. Sisk & Son, from Federalsburg, Md.

**PRODUCT:** Tomato puree. 312 cases at Norfolk, Va., 611 cases at Washington, D. C., and 497 cases at Danville, Va. Each case contained 6 cans.

**LABEL, IN PART:** "Wright's Tomato Puree \* \* \* Contents 6 Lbs. 8 Oz. Packed in U. S. A. by John N. Wright, Jr. Federalsburg, Md."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding (Danville lot), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

**DISPOSITION:** March 25 and 31 and September 5, 1947. Default decrees of condemnation. It was ordered that the Danville lot be delivered to a charitable organization, to be used for purposes other than for human consumption, and that the other lots be destroyed.

**13676. Adulteration and misbranding of tomato puree. U. S. v. 1,597 Cases \* \* \*. (F. D. C. No. 22182. Sample No. 64825-H.)**

**LIBEL FILED:** January 13, 1947, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about October 25, 1946, by Charles Goodman, from Los Angeles, Calif.

**PRODUCT:** 1,597 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Maspeth, Long Island, N. Y.

**LABEL, IN PART:** "Tamco Brand Tomato Puree \* \* \* Packed by Tastemore Canning Co. Baldwin Park Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** June 22, 1948. The Sweet Life Food Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be utilized in the production of alimentary pastes with tomato sauce, under the supervision of the Food and Drug Administration.

**13677. Adulteration and misbranding of tomato puree. U. S. v. 500 Cases**  
\* \* \*. (F. D. C. No. 22181. Sample No. 64826-H.)

**LIBEL FILED:** January 13, 1947, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about November 1, 1946, by S. M. Schiff, from Bassett, Calif.

**PRODUCT:** 500 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Maspeth, Long Island, N. Y.

**LABEL, IN PART:** "Tamco Brand Tomato Puree \* \* \* Packed by Tastemore Canning Co., Baldwin Park Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the standard.

**DISPOSITION:** June 22, 1948. The Sweet Life Food Corp., Maspeth, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for use in the production of alimentary pastes with tomato sauce, under the supervision of the Food and Drug Administration.

**13678. Misbranding of tomato puree. U. S. v. 382 Cases** \* \* \*. (F. D. C. No. 24626. Sample Nos. 6445-K, 6838-K.)

**LIBEL FILED:** May 6, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about October 2, 1946, by the Califruit Canning Co., from Manteca, Calif.

**PRODUCT:** 382 cases, each containing 48 cans, of tomato puree at Rochester, N. Y.

**LABEL, IN PART:** "Valia Brand Tomato Puree Contents 10½ Ounces Avd."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 10½ ounces.)

**DISPOSITION:** September 22, 1948. The United Wholesale Grocers Co., Rochester, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**13679. Misbranding of tomato puree. U. S. v. 78 Cases, etc.** (F. D. C. No. 24616. Sample Nos. 26785-K, 26786-K.)

**LIBEL FILED:** April 29, 1948, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about January 9, 1948, by the Uddo & Taormina Co., from Crystal Springs, Miss.

**PRODUCT:** Tomato puree. 78 cases, each containing 6 No. 10 cans, and 66 cases, each containing 100 4¾-ounce cans, at Little Rock, Ark.

**LABEL, IN PART:** (Portion) "Baby Brand Tomato Puree Net Contents 4¾ Oz."; (remainder) "Baby Brand Tomatoes Contents 10 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids; and, Section 403 (e) (2), (No. 10 cans) the product failed to bear a label containing an accurate



statement of the quantity of the contents (the cans were labeled "10 Oz.," whereas the average weight was found to be 6 pounds, 7.47 ounces).

**DISPOSITION:** September 21, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**13680. Adulteration of tomato catsup. U. S. v. 132 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 24450, 24460. Sample Nos. 15035-K, 24075-K.)

**LIBELS FILED:** February 20 and March 1, 1948, Southern District of Iowa and Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about September 10 and December 30, 1947, by the Fettig Canning Corp., from Elwood, Ind.

**PRODUCT:** Tomato catsup. 132 cases at Burlington, Iowa, and 905 cases at Sheboygan, Wis. Each case contained 24 14-ounce bottles.

**LABEL, IN PART:** "Vine-Ripe Tomato Catsup" or "Schultz's Brand Finest Tomato Catsup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** April 20 and 29, 1948. Default decrees of condemnation and destruction.

**13681. Adulteration of tomato catsup. U. S. v. 648 Cases \* \* \*. (F. D. C. No. 24481. Sample No. 25080-K.)**

**LIBEL FILED:** March 13, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about February 3, 1948, by the Fettig Canning Corp., from Elwood, Ind.

**PRODUCT:** 648 cases, each containing 24 14-ounce bottles, of tomato catsup at Duluth, Minn.

**LABEL, IN PART:** "Serv-well Tomato Catsup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** October 6, 1948. Default decree of destruction.

## NUTS AND NUT PRODUCTS

**13682. Adulteration of brazil nuts. U. S. v. 10 Bags \* \* \*. (F. D. C. No. 23965. Sample No. 2428-K.)**

**LIBEL FILED:** On or about November 13, 1947, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 17, 1947, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

**PRODUCT:** 10 100-pound bags of brazil nuts at Huntington, W. Va.

**LABEL, IN PART:** "Holly New Crop Large Washed Brazil Nuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts, and of a decomposed substance by reason of the presence of moldy and rancid nuts; and the product was otherwise unfit for food by reason of the presence of empty nut shells.

**DISPOSITION:** February 28, 1948. Default decree of condemnation and destruction.

**13683. Adulteration of cashew nuts. U. S. v. 5 Cases, etc. (F. D. C. No. 23424. Sample Nos. 71360-H, 71361-H.)**

**LIBEL FILED:** September 2, 1947, Southern District of California.

**ALLEGED SHIPMENT:** On or about July 29, 1947, by Wm. A. Higgins & Co., from Portland, Oreg.

**PRODUCT:** 10 cases, each containing 25 pounds, of cashew nuts at Los Angeles, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect parts.

**DISPOSITION:** October 24, 1947. Default decree of condemnation and destruction.

**13684. Adulteration of pecans. U. S. v. 29,532 Pounds \* \* \*. (F. D. C. No. 22612. Sample No. 17078-H.)**

**LIBEL FILED:** March 12, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 11, 1947, by the Denison Poultry & Egg Co., Denison, Tex.

**PRODUCT:** 29,532 pounds of pecans at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy pecans, and it was otherwise unfit for food by reason of the presence of empty shells.

**DISPOSITION:** April 4, 1947. The Denison Poultry & Egg Co., claimant, having admitted for the purpose of the proceeding only that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The nuts were shelled and segregated into edible and inedible portions; 633 pounds of the shelled nuts were destroyed and 8,581 pounds were released to the claimant.

**13685. Adulteration of shelled pecans. U. S. v. 50 Cartons \* \* \*. (F. D. C. No. 23049. Sample No. 39563-H.)**

**LIBEL FILED:** May 22, 1947, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about March 12, 1947, by the Acker Pecan & Produce Co., from Albany, Ga.

**PRODUCT:** 50 25-pound cartons of shelled pecans at Milwaukee, Wis.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and *E. coli*; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 30, 1947. L. D. Acker, trading as the Acker Pecan & Produce Co., Albany, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration, by cleaning and sterilization. On January 6, 1948, the decree was amended to provide for the disposition of the product as stock feed, soap oil, or other products not intended for human consumption.

**13686. Adulteration of peanut butter. U. S. v. Armour & Co. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 24827. Sample Nos. 22280-K, 22281-K, 29210-K, 29211-K.)**

**INFORMATION FILED:** July 29, 1948, Northern District of Texas, against Armour & Co., Fort Worth, Tex.

**ALLEGED SHIPMENT:** On or about January 3 and February 16, 1948, from the State of Texas into the States of Louisiana and Colorado.

**LABEL, IN PART:** "Armour Star Homogenized Peanut Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hair fragments, a cat hair, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 8, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000.

**13687. Adulteration and misbranding of shredded coconut. U. S. v. 11 Cartons \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 23637, 23662, 23668, 23670. Sample Nos. 55235H, 55238-H, 55533-H, 85712-H.)**

**LIBELS FILED:** August 18, 27, and 29, and September 2, 1947, Southern District of Georgia, District of Columbia, and Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about June 4, 9, and 23, 1947, by the Export Sales Corp., from Miami, Fla.

**PRODUCT:** Shredded coconut. 11 20-pound cartons and 2 boxes containing a total of 26 pounds at Augusta, Ga., 5 20-pound cartons at Washington, D. C., and 5 20-pound cartons at Statesville, N. C.



**LABEL, IN PART:** "Cuban Coconut Co., S. A. \* \* \* Havana-Cuba."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of granulated sugar (approximately 70 percent), dried grated coconut, and salt had been substituted in whole or in part for coconut, which the product was represented to be.

Misbranding, Section 403 (b), a mixture of granulated sugar, dried grated coconut, and salt was offered for sale under the name of another food, coconut.

**DISPOSITION:** October 2 and 20, 1947, and August 16, 1948. Default decrees of condemnation and destruction.

## POULTRY

**13688. Adulteration of frozen dressed poultry. U. S. v. Stork Brothers, a partnership, and Albrecht H. Stork. Pleas of guilty. Fine of \$400 against Stork Brothers and \$200 against Albrecht H. Stork. (F. D. C. No. 24527. Sample No. 15103-K.)**

**INFORMATION FILED:** May 4, 1948, District of Minnesota, against Stork Brothers, New Ulm, Minn., and Albrecht H. Stork, partner.

**ALLEGED SHIPMENT:** On or about August 19, 1947, from the State of Minnesota into the State of Illinois.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was in part unfit for food by reason of bruises, discoloration, undigested food material, and imperfectly bled poultry; and, Section 402 (a) (5), it was in part the product of a diseased animal, i. e., abscessed and emaciated poultry.

**DISPOSITION:** June 14, 1948. Pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$400 against Stork Brothers and \$200 against Albrecht H. Stork.

**13689. Adulteration of frozen dressed poultry. U. S. v. George J. Tagerman (Baldwin Park Poultry Farms), and Dell H. Bryson. Pleas of guilty. Fine of \$50 against each defendant. (F. D. C. No. 20208. Sample No. 31466-H.)**

**INFORMATION FILED:** On or about November 20, 1946, District of Utah, against George J. Tagerman, trading as Baldwin Park Poultry Farms, Salt Lake City, Utah, and Baldwin Park, Calif., and against Dell H. Bryson, manager of the Utah office of the business.

**ALLEGED SHIPMENT:** On or about April 11, 1945, from the State of Utah into the State of California.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in part the product of a diseased animal, in that it consisted in part of fowl that was diseased at the time of slaughter.

**DISPOSITION:** March 20, 1948. Pleas of guilty having been entered, the court imposed a fine of \$50 against each defendant.

**13690. Adulteration of frozen dressed poultry. U. S. v. 352 Boxes \* \* \*. (F. D. C. No. 23520. Sample No. 87512-H.)**

**LIBEL FILED:** July 25, 1947, District of New Jersey.

**ALLEGED SHIPMENT:** On or about June 27 and 28, 1947, by R. S. Anderson, from Clinton, Mo.

**PRODUCT:** 352 boxes, each containing approximately 55 pounds, of poultry at Jersey City, N. J.

**LABEL, IN PART:** "Glenaco Brand Well Fed Fowl."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed poultry.)

**DISPOSITION:** August 30, 1948. R. S. Anderson & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be segregated and canned, or quick frozen, and that the unfit portion be destroyed or denatured for nonedible purposes, under the supervision of the Food and Drug Administration. Of the 19,344 pounds of poultry seized, 7,944 pounds were salvaged and frozen; the remainder was denatured.

**13691. Adulteration of dressed turkeys. U. S. v. Utah Turkey Marketing Agency. Plea of guilty. Fine, \$200.** (F. D. C. No. 24785. Sample No. 4009-K.)

**INFORMATION FILED:** June 4, 1948, District of Utah, against the Utah Turkey Marketing Agency, a partnership, Salt Lake City, Utah.

**ALLEGED SHIPMENT:** On or about November 6, 1947, from the State of Utah into the State of Massachusetts.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed turkeys.

**DISPOSITION:** July 30, 1948. A plea of guilty having been entered, the court imposed a fine of \$200 against the defendant.

### SPICES, FLAVORS, AND SEASONING MATERIALS

**13692. Adulteration of paprika. U. S. v. 1 Drum \* \* \*. (F. D. C. No. 24503. Sample No. 21172-K.)**

**LIBEL FILED:** March 23, 1948, District of Kansas.

**ALLEGED SHIPMENT:** On or about February 5, 1948, by Cal Compack Foods, Inc., from Santa Ana, Calif.

**PRODUCT:** 1 110-pound drum of paprika at Kansas City, Kans.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 6, 1948. Default decree of condemnation and destruction.

**13693. Adulteration of soybean sauce. U. S. v. 7 Gallons, etc. (and 5 other seizure actions). (F. D. C. Nos. 23372 to 23375, incl., 23378, 23391. Sample Nos. 69020-H, 73528-H, 80962-H to 80964-H, incl., 89041-H, 89262-H.)**

**LIBELS FILED:** Between July 24 and August 1, 1947, Northern District of Illinois, Northern District of Ohio, District of Colorado, and District of Utah.

**ALLEGED SHIPMENT:** Between the approximate dates of May 19 and July 3, 1947, by the Soya Bean Products Co., Los Angeles, Calif.

**PRODUCT:** Soybean sauce. 58 gallon jugs and 262 quart bottles at Chicago, Ill.; 9 gallon jugs at Cleveland, Ohio; 15 cases, each containing 4 gallon jugs, at Denver, Colo.; and 7 55-gallon drums and 48 1-gallon jugs at East Garland, Utah.

**LABEL, IN PART:** "Hanamurasaki Sho-Yu Sauce Soya Beans Salt and Water."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, arsenic, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

**DISPOSITION:** Between August 29 and December 17, 1947. Default decrees of condemnation and destruction.

**13694. Adulteration and misbranding of iodized Salt. U. S. v. 70 Cases \* \* \*. (F. D. C. No. 23091. Sample No. 41066-H.)**

**LIBEL FILED:** July 10, 1947, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about March 29, 1947, by the Jefferson Island Salt Co., from Jefferson Island, La.

**PRODUCT:** 70 cases, each containing 24 1-pound, 10-ounce packages, of salt at Puducuh, Ky.

**LABEL, IN PART:** "Jefferson Island Hexagon Iodized Salt \* \* \* Evaporated 0.01% potassium iodide."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, potassium iodide, had been omitted.

Misbranding, Section 403 (a), the label statement "0.01% potassium iodide" was false and misleading.

**DISPOSITION:** October 15, 1947. Default decree of condemnation. The product was ordered delivered to a public institution, for use as animal feed.



## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**13695. Adulteration and misbranding of Arvimin Formula and Kraft Formula. U. S. v. Argyle Laboratories, Henry F. MacDowell, and Eugene Munk. Pleas of guilty. Fine of \$2,000 against defendants jointly and severally. (F. D. C. No. 20213. Sample Nos. 4615-H, 10635-H, 10638-H.)**

**INFORMATION FILED:** March 11, 1947, Southern District of New York, against Argyle Laboratories, a partnership, New York, N. Y., and Henry F. MacDowell and Eugene Munk, partners in the partnership.

**ALLEGED SHIPMENT:** On or about May 12 and 22, 1945, from the State of New York into the States of New Jersey and Ohio.

**LABEL, IN PART:** "Arvimin Formula 9 Vitamins 12 Minerals Argyle Laboratories" and "Kraft Formula 9 Vitamins 12 Minerals Kraft Products \* \* \* East St. Louis, Ill."

**NATURE OF CHARGE:** Arvimin Formula. Adulteration, Section 402 (b) (1), valuable constituents, vitamin D, vitamin C, vitamin B<sub>2</sub>, niacin, calcium, phosphorus, and iron had been in part omitted and abstracted from the article. Misbranding, Section 403 (a), certain statements on the label of the article were false and misleading since they represented and suggested that one ounce of the article would provide 1,000 U. S. P. units of vitamin D, equivalent to 250 percent of the daily minimum adult requirement for vitamin D; 40 milligrams of vitamin C, equivalent to 133 percent of the daily minimum adult requirement for vitamin C; 2 milligrams of vitamin B<sub>2</sub>, equivalent to 100 percent of the daily minimum adult requirement for Vitamin B<sub>2</sub>; 20 milligrams of niacin; and 750 milligrams of calcium, 750 milligrams of phosphorus, and 10 milligrams of iron, equivalent to 100 percent of the daily minimum adult requirements for each of these minerals; and that 2 heaping tablespoonsful of the article would provide the daily minimum adult requirement for vitamin B<sub>2</sub>, phosphorus, calcium, and iron, 1½ times the daily minimum adult requirement for vitamin C, and 2½ times the daily minimum adult requirement for vitamin D. One ounce of the article and 2 heaping tablespoonsful of the article would provide less than the above-mentioned quantities of vitamin D, vitamin C, vitamin B<sub>2</sub>, niacin, calcium, phosphorus, and iron, and less than the stated proportions of the daily minimum adult requirements for vitamin D, vitamin C, vitamin B<sub>2</sub>, calcium, phosphorus, and iron.

Kraft Formula. Adulteration, Section 402 (b) (1), valuable constituents, vitamin A, vitamin B<sub>1</sub>, vitamin C, vitamin D, riboflavin, niacin, calcium, iron, and phosphorus had been in part omitted and abstracted from the article. Misbranding, Section 403 (a), certain statements on the label of the article were false and misleading since they represented and suggested that one ounce of the article would provide 4,000 U. S. P. units of vitamin A, equivalent to 100 percent of the daily minimum adult requirement for vitamin A; 495 U. S. P. units of vitamin B<sub>1</sub>, equivalent to 150 percent of the daily minimum adult requirement for vitamin B<sub>1</sub>; 1,000 U. S. P. units of vitamin D, equivalent to 250 percent of the daily minimum adult requirement for vitamin D; 40 milligrams of vitamin C, equivalent to 133 percent of the daily minimum adult requirement for vitamin C; 2 milligrams of vitamin B<sub>2</sub>, equivalent to 100 percent of the daily minimum adult requirement for vitamin B<sub>2</sub>; 20 milligrams of niacin; and 750 milligrams of calcium, 750 milligrams of phosphorus, and 10 milligrams of iron, equivalent to 100 percent of the daily minimum adult requirements for each of these minerals; and that 2 heaping tablespoonsful of the article would provide the daily minimum adult requirement for vitamin A, vitamin B<sub>2</sub>, phosphorus, calcium, and iron, 1½ times the daily minimum adult requirement for vitamin B<sub>1</sub>, 1½ times the daily minimum adult requirement for vitamin C, and 2½ times the daily minimum adult requirement for vitamin D. One ounce of the article and 2 heaping tablespoonsful of the article would provide less than the above-mentioned quantities of vitamins and minerals and less than the stated proportions of the daily minimum adult requirements for vitamin A, vitamin B<sub>1</sub>, vitamin D, vitamin C, vitamin B<sub>2</sub>, calcium, phosphorus, and iron. Further misbranding, Section 403 (a), certain statements in circulars entitled "What Are Vitamins," which were shipped with the article, were false and misleading. The statements represented and suggested that the article would be efficacious in building and maintaining tendons, counteracting acids, and healing wounds; that it would be efficacious as an aid to vitality and en-



durance; that it would be efficacious in the treatment of tuberculosis, rickets, arthritis, neuritis, pyorrhea, asthma, heart disease, nervousness, painful menstruation, excessive bleeding, and hemorrhages; that it would be efficacious in building and nourishing the brain, nerves, and bones, and in strengthening the mental power; that it would be efficacious as a neutralizer of body waste, and in maintaining youth, keeping the tissues soft and elastic, dissolving and eliminating impurities from the blood, preventing congestion by promoting the circulation, counteracting acidosis, aiding digestion, purifying the blood, and dissolving hard deposits in the joints; that it would be efficacious in the treatment of rheumatism, gall bladder disorders, constipation, and halitosis; that it would be efficacious in regulating the nutritive processes, expelling waste, purifying the system, reducing body fat, keeping the hair, skin, and sex organs in a healthy condition, and intensifying the emotions; that it would be efficacious as a nerve sedative; that it would be efficacious in keeping the body flexible, preventing bones, teeth, and nails from becoming brittle, vitalizing the lungs and neutralizing acid waste materials, building tissues, promoting strength and endurance, supplying heat and energy, and as an aid in gaining weight; that it would be efficacious in the treatment of anemia, heart and circulatory diseases, female disorders, and nerve exhaustion; that it would be efficacious in supplying energy and vitality and regenerating the body, and as an aid to keen hearing and sparkling eyes; that it would be efficacious as an aid to convalescence, in vitalizing the glands, quickening coordination between thought and action, keeping the body alkaline, keeping the iris of the eye in a healthy condition, preserving youthful appearance, and promoting longevity; that it would be efficacious in the treatment of acidosis, acne, anemia, auto-intoxication, biliousness, high blood pressure, boils, Bright's disease, bronchitis, colds, sinus trouble, catarrh, colitis, diabetes, failing eyesight, cataract, falling hair, thin, hard, brittle fingernails, gallstones, jaundice, hardening of the arteries, hay fever, stiff joints, leucorrhea, low vitality, sciatic rheumatism, neuralgia, nerve exhaustion, enlargement of the prostate gland, poor circulation, sex indifference, tuberculosis of the lungs, and undernourishment in children; that it would be efficacious in the treatment of retarded growth, weakening of the body in adults, night blindness, dryness of mucous membranes, diminished resistance to diseases, especially those of the respiratory tract, impaired lactation, gland atrophy, xerophthalmia, drying of the lining of the eyelids with consequent inflammation of the lids and eyeballs, loss of appetite, vasomotor symptoms, retarded growth, loss of weight, disturbances of the intestines or colon, peripheral neuritis, nervous depression, general weakness, granulation at edges of eyelids, nutritional cataract, increased susceptibility to certain infections, and decreased longevity; that it would be efficacious in the treatment of certain symptoms following pellagra, skin eruptions, dermatitis, and soreness of the mouth and tongue, in restoring gray hair to original color, preventing lowered concentration of calcium and phosphorus in the blood, and lowered acidity of the intestinal tract, and in the treatment of sterility and paralysis; that it was a natural antiseptic, a vital element essential to life, and a natural alkaline and germicidal agent; that it was essential to human nutrition and necessary for all kinds of animal life; and that it would supply nutritionally significant amounts of potassium, hydrogen, sodium, chlorine, sulfur, magnesium, nitrogen, carbon, oxygen, silicon, manganese, and fluorine. The article would not be efficacious for the purposes represented, and it would not supply nutritionally significant amounts of the above-mentioned substances.

**DISPOSITION:** October 17, 1947. Pleas of guilty having been entered, the court imposed a fine of \$2,000 against the defendants jointly and severally.

**13696. Misbranding of Beir-Nes Blue Label vitamin B<sub>1</sub> tablets. U. S. v. S. O. Barnes & Son and Alfred O. Barnes. Motion to strike denied. Plea of nolo contendere. Fine of \$1,000 against each defendant. (F. D. C. No. 20983. Sample No. 58637-H.)**

**INDICTMENT RETURNED:** March 12, 1947, Southern District of California, against S. O. Barnes & Son, a partnership, Gardena, Calif., and Alfred O. Barnes, a partner in the partnership, for the offense of giving a false guaranty.

**ALLEGED VIOLATION:** On or about August 31, 1944, the defendants caused to be given to Beir-Nes Laboratories of Los Angeles, Calif., a guaranty providing that no food shipped or delivered by the defendants to the Beir-Nes Laboratories, described in the guaranty as the distributor, would be adulterated or mis-



branded within the meaning of the Federal Food, Drug, and Cosmetic Act; that the potency of the vitamin content of all merchandise furnished to the distributor was guaranteed for a period of 6 months from the date of shipment or delivery to the distributor; that labels used on all merchandise furnished under the agreement were to be furnished by the distributor and placed on the merchandise by the defendants; that all labels must conform to all rules and regulations of the Food and Drug Administration; and that the distributor would assume full responsibility for any variation from the above in respect to information added to or omitted from labels used, as required by the Food and Drug Administration, and to accept full responsibility for any charges of adulteration or misbranding that might result therefrom. On or about July 12, 1945, the defendants caused to be delivered to the distributor at Los Angeles, a number of packages of Beir-Nes Blue Label Vitamin B<sub>1</sub> tablets; and on or about December 7, 1945, the distributor shipped the tablets from the State of California into the State of Oregon. The tablets so guaranteed and shipped were misbranded.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Each Tablet contains Vitamin B<sub>1</sub>—100 I. U. (Thiamin Chloride)" was false and misleading since each tablet of the article contained a smaller amount of vitamin B<sub>1</sub> (thiamine chloride) than so labeled.

The indictment alleged also that the defendants caused a false guaranty to be given with respect to the delivery of a drug known as "Tebsin Tablets," as reported in notices of judgment on drugs and devices, No. 2363.

**DISPOSITION:** The defendants moved to strike from the indictment the allegations with respect to the shipment of the product in interstate commerce, on the grounds that the defendants could not be criminally liable for the act of third parties or for an act in which the defendants did not participate. The defendants' motion was denied by the court on April 21, 1947. Thereafter, a plea of nolo contendere was entered on behalf of the defendants, and on September 15, 1947, the court imposed a fine of \$1,000 against each defendant.

**13697. Alleged misbranding of Ayds candy. U. S. v. The Carlay Co. and Carl A. Futter. Special plea in bar filed on behalf of individual defendant; plea sustained and case dismissed.** (F. D. C. No. 10609. Sample Nos. 485-F, 486-F, 3046-F, 8665-F to 8667-F, incl., 14081-F, 19667-F, 36890-F, 37652-F.)

**INFORMATION FILED:** During the approximate date of June 1943, Northern District of Illinois, against the Carlay Co., Chicago, Ill., and Carl A. Futter, president and treasurer of the corporation.

**ALLEGED SHIPMENT:** Between the approximate dates of October 28, 1942, and February 17, 1943, from the State of Illinois into the States of Wisconsin, Minnesota, Massachusetts, California, Missouri, Michigan, and Maryland.

**PRODUCT:** The product consisted of rectangular pieces of caramel-like candy individually wrapped in wax paper. Analysis disclosed that the candy chiefly contained glucose, sugar, protein, fat, and vitamins A, D, B<sub>1</sub>, and flavor.

**NATURE OF CHARGE:** The information charged the defendants with the introduction into interstate commerce of a misbranded food. The defendants were charged further with causing certain circulars and posters to be brought into association with the food and to accompany the food, resulting in its being misbranded while held for sale after shipment in interstate commerce. The article was charged to be misbranded under Section 403 (a), because of statements in the labeling which represented that the article would be of substantial value as an aid in reducing body weight. These statements were alleged to be false and misleading.

**DISPOSITION:** On June 19, 1944, a special plea in bar was filed on behalf of Carl A. Futter, claiming immunity from prosecution in the instant case on the basis of evidence given or produced by him in a case involving the same defendants before the Federal Trade Commission. After a hearing in the matter, the court sustained the special plea in bar on September 13, 1944; on August 19, 1944, the case was dismissed as to Carl A. Futter, and on September 12, 1944, the case was dismissed as to the Carlay Co.

**13698. Misbranding of Vitawine. U. S. v. 137 Cartons, etc.** (F. D. C. No. 22699. Sample Nos. 54133-H to 54135-H, incl.)

**LIBEL FILED:** March 25, 1947, Southern District of Indiana.



**ALLEGED SHIPMENT:** Between the approximate dates of September 9, 1946, and January 17, 1947, by Interstate Laboratories, Inc., Louisville, Ky.

**PRODUCT:** Vitawine. 137 cartons, each containing a quart bottle, and 342 cartons, each containing a pint bottle, at Indianapolis, Ind. Enclosed with each bottle was a circular.

**LABEL, IN PART:** "Vitawine Vitamins B<sub>1</sub>, B<sub>2</sub>, Niacin and Iron \* \* \* Tonic and Appetizer A pleasing combination of Thiamine (Vitamin B<sub>1</sub>) 1000 U. S. P. Units, Riboflavin (Vitamin G—B<sub>2</sub>) 1000 Gammas, Niacin 10 Mg. Iron and Ammonium Citrate, Manganese Citrate, Sodium Citrate, Citric Acid and Dextrose in a palatable wine base."

**NATURE OF CHARGE:** Quart bottles. Misbranding, Section 403 (a), the label statement "Niacin 10 mg." and the statements in the accompanying circulars "Each fluid ounce contains approx.: \* \* \* Niacin 10 mgm. Iron and Ammon. Citrate 5 grains" and "Recommended adult dosage (1 tablespoonful or ½ ounce four times daily) provides the following approximate proportions of the minimum daily requirements: \* \* \* Iron 1100%" were false and misleading since the product contained less than the declared amounts of niacin, iron, and ammonium citrate, and it would not provide the stated proportions of the minimum daily requirement for iron.

Pint bottles. Misbranding, Section 403 (a), the label statements "Thiamine (Vitamin B<sub>1</sub>) 1000 USP units, Riboflavin (Vitamin G—B<sub>2</sub>) 1000 Gammas, Niacin 10 Mg." and the statements in the accompanying circulars "Each fluid ounce contains approx.: Thiamine (Vitamin B<sub>1</sub>) 1000 USP units, Riboflavin (Vitamin G or B<sub>2</sub>) 1 mgm., Niacin 10 mgm., Iron and Ammon. Citrate 5 grains" were false and misleading since the product contained less than the stated amounts of niacin, riboflavin, Vitamin B<sub>1</sub>, iron, and ammonium citrate. Further misbranding, Section 403 (a), the label statements "tablespoonful (½ oz.) in small amount of water after meals and before retiring \* \* \*. Based on minimum daily requirements as established by U. S. Government, the above recommended dosage provides 600% of Vitamin B<sub>1</sub>—100% of Vitamin B<sub>2</sub> (G)" and the statements in the accompanying circular "Recommended adult dosage (1 tablespoonful or ½ ounce four times daily) provides the following approximate proportions of the minimum daily requirements: B<sub>1</sub> . . . 600% B<sub>2</sub> . . . 165% Iron . . . 1100%" were false and misleading since the product would not provide the stated proportions of the minimum daily requirements for the vitamins and minerals.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

**DISPOSITION:** May 5, 1947. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed and relabelled under the supervision of the Food and Drug Administration. On August 21, 1947, an amended decree of condemnation was entered, ordering the product destroyed.

### MISCELLANEOUS FOODS

**13699. Adulteration and misbranding of Recto (cream neutralizer). U. S. v. Benlo Chemicals. Plea of nolo contendere. Fine, \$2,000. (F. D. C. No. 24280. Sample No. 18748-K.)**

**INFORMATION FILED:** August 17, 1948, Eastern District of Wisconsin, against Benlo Chemicals, a partnership, Milwaukee, Wis.

**ALLEGED SHIPMENT:** On or about September 3, 1947, from the State of Wisconsin into the State of Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a poisonous and deleterious substance, sodium fluoride, had been substituted for Recto, a neutralizer of cream.

Misbranding, Section 403 (a), the name "Recto" was false and misleading since it represented and suggested that the product was a neutralizer of cream, whereas the product was not a neutralizer of cream but was a poisonous and deleterious insecticide, sodium fluoride.

**DISPOSITION:** August 23, 1948. A plea of nolo contendere having been entered, the defendant was fined \$2,000.



**13700. Adulteration of rice dinner.** U. S. v. 158 Cases \* \* \*. (F. D. C. No. 20726. Sample No. 49808-H.)

**LABEL FILED:** On or about August 19, 1946, Northern District of Florida.

**ALLEGED SHIPMENT:** On or about April 6, 1946, by Kurtz Brothers, from Bridgeport, Pa.

**PRODUCT:** 158 cases, each containing 24 16-ounce cans, of rice dinner at Pensacola, Fla. Examination showed that the product was undergoing progressive decomposition.

**LABEL, IN PART:** "Magic Chef Creole Rice Dinner with tomatoes, green peppers, onions and pimientos."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 6, 1947. Default decree of condemnation and destruction.

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Arvinin Formula	13695	Dairy products	13579-13601
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<sup>1</sup> (13524, 13525, 13608, 13644) Prosecution contested.

<sup>2</sup> (13643) Seizure contested. Contains ruling of the court.

<sup>3</sup> (13640) Seizure contested.

<sup>4</sup> (13641) Prosecution contested. Contains opinion and order of the court.

	N. J. No.		N. J. No.
Mushrooms, canned	13654	Salt, iodized	13694
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	N. J. No.		N. J. No.
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Alamo Candy Co.:		Atlantic Coast Fisheries Co.:	
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American Cone & Pretzel Co.:		Atlas Import & Export Corp.:	
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American Factors, Ltd.:		Baker, F. G.:	
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Anderson, R. S.:		Baldwin Park Poultry Farms.	
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Anthony Macaroni & Cracker Co.:		Banner Mill Co., Inc.:	
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Argyle Laboratories:		Barcelona Fish Co.:	
Arvimin Formula and Kraft Formula	13695	frozen dressed ciscoes	13619
Armour & Co.:		Bardin, L. P.:	
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Armour Creameries:		Beir-Nes Blue Label Vitamin B <sub>1</sub> tablets	13696
butter	13584		

<sup>3</sup> (13640) Seizure contested.<sup>4</sup> (13641) Prosecution contested. Contains opinion and order of the court.



	N. J. No.		N. J. No.
Barnes, S. O., & Son:		Cen-Tex Cooperative Oil Mill:	
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Belt's Wharf Warehouses, Inc.:		canned peaches _____	13635
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man, Reuben.		County, Inc.:	
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Blue Bird Candy Co.:		cakes and sweet rolls _____	13518
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Booth Fisheries Corp.:		pineapple juice _____	13510
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Boothe, Peggy:		soybean oil meal and cake ____	13609
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Boothe Fruit Co. <i>See</i> Boothe,		Cracker Jack _____	13575
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Brown's Hungarian Co.:		Cuneo, A. F.:	
flour _____	13547	candy _____	13562
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frozen dressed poultry _____	13689	cookies _____	13523
Cadick Milling Co.:		Dante Food Products Co., Inc.:	
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Cal Compack Foods, Inc.:		Davies, Theo. H., & Co., Ltd.:	
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Califruit Canning Co.:		Davis Candy Co.:	
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Campodonico, John:		Delaney, R. H.:	
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Canners Exchange, Inc.:		Delaware Mushroom Cooperative	
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tomatoes _____	13670	canned mushrooms _____	13654
Capital Bakers, Inc.:		Delta Canning Co.:	
bread _____	13514	black-eyed peas _____	13657
Car-Cal Winery:		Denison Poultry & Egg Co.:	
wine _____	13503	butter _____	13586
Carlay Co.:		pecans _____	13684
Ayds candy _____	13697	Doughnut Corp. of America:	
Casale & Affronti Co.:		Donut Mix _____	13558
candy _____	13573	Dovel, I. N., Co., Inc.:	
Center Point Canning Co.:		canned green beans _____	13650
canned corn _____	13651		

<sup>4</sup> (13641) Prosecution contested. Contains opinion and order of the court.

	N. J. No.		N. J. No.
Dubuque Cooperative Dairy Marketing Assoc.:		Golden M & M, Inc.:	
Cheddar cheese-----	13596	frozen halibut and frozen lobster tails-----	13629
Durrett, D. W.:		Gomperts, Jack, & Co.:	
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East Food Sales:		Goodman, Charles:	
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East Smithfield Farms, Inc.:		Goodman, Lillian, and Hyman:	
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Erie Fish Co.:		candy-----	13569
frozen dressed ciscoes-----	13619	Halls Canning Co.:	
Escalon Packers, Inc.:		canned tomatoes-----	13672
canned cherries-----	13633	Harris Cove Packing Co. <i>See</i> Frankland, O. M.	
Ewing Mill Co.:		Hartman, Robert:	
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Export Sales Corp.:		Hawksbill Cannery:	
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Faigel, T. M.:		Hemet Packing Co.:	
candy-----	13564	frozen spinach-----	13660
Fairmont Foods Co.:		Henne, Sam, & Son:	
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Fame Canning Co., Inc.:		Higgins, Wm. A., & Co.:	
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Farmers Produce Co.:		cashew-----	13683
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Fayetteville Milling Co.:		canned mustard greens-----	13656
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Feeders Supply & Mfg. Co.:		Hubbell, E. H.:	
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Fenn Brothers, Inc.:		Hubbell's, Mrs., Bakeries, Inc.:	
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Fettig Canning Corp.:		Hutland Milling Co.:	
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Flotill Products, Inc.:		Illinois Doughnut & Cake Co.:	
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Fraser Milling Co.:		Jaeger, J. F.:	
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Fresno Home Packing Co.:		Jaeger Noodle & Potato Chip Co.:	
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Futter, C. A.:		Jefferson Island Salt Co.:	
Ayds candy-----	13697	iodized salt-----	13694
Gittelman, Reuben:		Johnson Biscuit Co.:	
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Golden, Nathan:		Jones, E. H.:	
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		June Dairy Products Co., Inc.:	
		cheese-----	13598

<sup>1</sup> (13524, 13525, 13608, 13644) Prosecution contested.<sup>2</sup> (13643) Seizure contested. Contains ruling of the court.



	N. J. No.		N. J. No.
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Kroger Co.:		Milazzo, John:	
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Kurtz Brothers:		Miller, J. A.:	
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Langenfeld Dairy Products Co.:		Miller, Morris:	
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Leadway Foods:		ster tails-----	13629
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Lewis, G. E.:		Packers, Inc.:	
Cheddar cheese-----	13590	canned peas-----	13659
Licorice Products Co.:		Minni, E. A.:	
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Lion Specialty Co.:		Miramar Products Co.:	
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Mandelbaum, Jack:		Oskaloosa Produce Co.:	
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Mary Ann Preserving Co.:		dried apricots-----	13639
peach fountain fruit-----	13636	Packer Products Co.:	
Maxfield, C. J., Jr.:		dog and cat food-----	13616
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Mayo Shell Corp.:		grape juice-----	13509
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Meadors, M. M., and P. D.:		canned sardines-----	13624
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Meadors Mfg. Co., Inc.:		dog food-----	13613
candy-----	13561	Pelle Rose Confectionery Co.,	
Meadow Brook Farms. See		Inc.:	
Miller, J. A.		candy-----	13568

<sup>1</sup> (13524, 13525, 13608, 13644) Prosecution contested

	N. J. No		N. J. No.
Pierce, S. S., Co.:		Schiff, S. M.:	
cheese in brandy-----	13597	tomato puree-----	13677
Pleasant Grove Canning Co.:		Schneider, Morris:	
canned peaches-----	13634	frozen whole eggs-----	13602
Portsmouth Cake & Cookie Co.:		Schultz, Enoch:	
cakes and sweet rolls-----	13519	butter-----	13587
Preffer, Haskell:		Schultz, Enoch, Creamery. <i>See</i>	
bread-----	13517	Schultz, Enoch.	
Preston, H. E.:		Seminole Fruit & Preserving Co.:	
corn meal-----	13534	grape and plum jelly-----	13647
Price's Creameries, Inc.:		Sethness, C. H., Jr.:	
butter-----	13581	Sepco-----	13505
Quality Products, Inc.:		Sethness Products Co.:	
canned tomatoes-----	13669	Sepco-----	13505
Ragland, T. G.:		Shankel, T. D.:	
corn meal and flour-----	13543	corn meal-----	13532
Rawlings, Roy, Jr.:		Shankel Mill Co., Inc.:	
cheese-----	13591	corn meal-----	13532
Rayess, William:		Shannon, A. L.:	
candy-----	13566	frozen whole eggs-----	13603
Rayess Candy Co. <i>See</i> Rayess,		Shermer, D. E., Sr.:	
William.		bread-----	13516
Record Supply Corp.:		Shuford Foods, Inc.:	
canned spinach-----	13661	blackberry jelly and blackberry	
Re-Dan Packing Co. <i>See</i> Pearl-		preserves-----	13645
stein, Daniel.		Shuttleworth, C. A.:	
Reisman, J., & Sons, Inc.:		tomato juice-----	13511
pretzels-----	13531	Sisk, A. W., & Son:	
Rich & Morgan, Inc.:		potatoes, sweet, canned-----	13663
grape jelly-----	13646	tomato(es), canned-----	13667, 13668
Ringgold Milling Co.:		puree-----	13675
corn meal-----	13533	Somerset Packing Co., Inc.:	
Riviera Packing Co.:		canned tomatoes-----	13668
canned sardines-----	13625	South Side Market. <i>See</i> Wohl,	
Roberts Canning Co.:		M. M.	
canned tomatoes-----	13666	Southern Cotton Oil Co.:	
Rogers Canning Co.:		cottonseed screenings-----	13611
canned tomatoes-----	13670	Southland Canning & Packing	
Roma Macaroni Mfg. Co., Inc.:		Co., Inc.:	
macaroni products-----	13552	canned crab meat-----	13631
Rosenberg Bros. & Co.:		Southland Products Co.:	
apricots, dried-----	13639	frozen green beans-----	13649
prunes----- <sup>3</sup>	13640	Soya Bean Products Co.:	
Royal Palm Kitchens:		soybean sauce-----	13693
strawberry jelly, blackberry		Spaulding, Burke:	
jelly, and black raspberry		corn meal and flour-----	13544
preserves-----	13648	Springdale Canning Co.:	
Russell Miller Milling Co.:		canned tomatoes-----	13671
flour-----	13546	Star Canning Co.:	
Rutherford County Cooperative		canned blackberries-----	13632
Creamery, Inc.:		Stedman Co.:	
Cheddar cheese-----	13589	canned blackberries-----	13632
Salamonie Packing Co. <i>See</i>		Stokely-Van Camp, Inc.:	
Shuttleworth, C. A.		applesauce-----	13642, <sup>2</sup> 13643
Scarlett, William G., & Co.:		Stork, A. H.:	
popcorn-----	13555	frozen dressed poultry-----	13688
Schenley Affiliates:		Stork Brothers:	
pineapple juice-----	13510	frozen dressed poultry-----	13688
Schenley Distributing Co. [or		Straker & Gross:	
Corp.]:		frozen salmon and whitefish--	13623
pineapple juice-----	13510	Sun-Dale Corp.:	
		beverage base-----	13506

<sup>2</sup> (13643) Seizure contested. Contains ruling of the court.<sup>3</sup> (13640) Seizure contested.



	N. J. No.		N. J. No.
Sunseri Packing Co.:		Valdosta Canning Co.:	
tomato puree-----	13674	canned pears-----	13637
Swift & Co.:		Waldman's Fish Co.:	
butter-----	13583	frozen fish-----	13618
eggs, frozen-----	13606	Waskow, Jules:	
Swint's Cannery:		cookies-----	13523
canned hominy-----	13554	Weideman Co.:	
Tagerman, G. J.:		tomato juice-----	13511
frozen dressed poultry-----	13689	West Mushroom Co.:	
Tastemore Canning Co.:		canned mushrooms in gravy---	13655
tomato puree-----	13676, 13677	Weston Biscuit Co., Inc.:	
Terminal Refrigerating Co.:		cookies-----	13526
frozen spinach-----	13660	White, Richard, Jr.:	
Thomas, Nicholas:		butter-----	13586
cakes, cookies, and doughnuts-	13521	Whiteside Cannery:	
Thorntown Dairy Products Co.,		canned spinach-----	13661
Inc.:		Whorton, Fred, Jr.:	
cheese-----	13593	canned crab meat-----	13630
Town Toast Co.:		Whorton Bros. Fish & Oyster	
cookies-----	13525	House. <i>See</i> Whorton, Fred	
Uddo & Taormina Co.:		Jr.	
tomato puree-----	13679	Wilshire Cheese Co.:	
United Food Specialty Co.:		cheese-----	13592
canned salmon-----	13622	Wilson & Co., Inc.:	
United Public Markets, Inc.:		butter-----	13588
tomato juice-----	13513	Wohl, M. M.:	
U. S. Macaroni Mfg. Co., Inc.:		canned tomatoes-----	13664
macaroni and noodle products-	13553	Woody, C. S.:	
Utah Turkey Marketing Agency:		candy-----	13565
dressed turkeys-----	13691	Woody Candy Co. <i>See</i> Woody,	
Vagim Packing Co.:		C. S.	
dried apricots-----	13638	Wright, J. N., Jr.:	
		tomato puree-----	13675



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# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

13701-13900

## FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., June 16, 1949.

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## BEVERAGES AND BEVERAGE MATERIALS

13701. Adulteration of orange juice. U. S. v. 190 Cases \* \* \*. (F. D. C. No. 25442. Sample No. 44145-K.)

**LIBEL FILED:** September 2, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about July 27, 1946, from Baltimore, Md.

**PRODUCT:** 190 cases, each containing 6 1-gallon cans of concentrated orange juice at Cincinnati, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its abnormal color, flavor, and odor. (The article was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** November 10, 1948. Default decree of condemnation and destruction.

**13702. Adulteration of pineapple juice. U. S. v. 2,088 Cases \* \* \*. (F. D. C. No. 25463. Sample No. 4710-K.)**

**LIBEL FILED:** August 16, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about June 18, 1948, by the Veterans Administration Supply Depot, from Manuel, Calif. This was a return shipment.

**PRODUCT:** 2,088 cases, each containing 6 3-quart cans, of pineapple juice at South Boston, Mass.

**LABEL, IN PART:** (Cans) "Rainbow Brand Unsweetened Pineapple Juice Net Contents 3 Quarts Packed By Valiente and Company, Corozal, P. R."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect filth; it also consisted in whole or in part of a decomposed substance.

**DISPOSITION:** September 27, 1948. Default decree of condemnation and destruction.

**13703. Adulteration of pineapple juice. U. S. v. 8 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 25471, 25472. Sample Nos. 12997-K, 47966-K.)**

**LIBELS FILED:** August 18, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 1947, by the Globe Grocery Co., from Lawrenceburg, Ind.

**PRODUCT:** 17 cases, each containing 10 cans, of pineapple juice at Lancaster, Pa.

**LABEL, IN PART:** (Cans) "Contents 2 Qts. 1 Pt. 15 Fl. Ozs. Pineapple Juice. Packed by Corozal Canning Co., Inc., Corozal, Puerto Rico."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted of a decomposed substance by reason of the presence of mold.

**DISPOSITION:** December 20, 1948. Default decrees of condemnation and destruction.

**13704. Adulteration of tomato juice. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 22393. Sample No. 40038-H.)**

**LIBEL FILED:** January 15, 1947, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about November 8, 1946, by the Southern Packing Co., from Smithsburg, Md.

**PRODUCT:** 25 cases, each containing 24 1-pint, 2-fluid ounce cans, of tomato juice at St. Louis, Mo.

**LABEL, IN PART:** "Value Brand Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 11, 1947. Default decree of condemnation and destruction.

**13705. Adulteration and misbranding of tomato juice. U. S. v. 90 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 25350 to 25352, incl. Sample Nos. 12984-K to 12987-K, incl.)**

**LIBELS FILED:** August 10, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 12, 1948, by the Garden State Canning Co., from Hightstown, N. J.



**PRODUCT:** Tomato juice. 251 cases, each containing 12 unlabeled 46-ounce cans, and 90 cases, each containing 12 1-quart, 14-ounce cans, at Philadelphia, Pa.

**LABEL, IN PART:** (One lot) "Net Contents 1 Qt. 14 Fl. Oz. Farm Fresh Brand Grade 'A' Fancy Tomato Juice." The remaining lots were unlabeled.

**NATURE OF CHARGE:** All lots. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rotten tomato material.

Unlabeled lots. Misbranding, Section 403 (e), the product failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the product purported to be tomato juice, a food for which a definition and standard of identity has been prescribed by the regulations, and did not bear a label containing the name of the food specified in the definition and standard.

**DISPOSITION:** September 14, 1948. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**13706. Misbranding of tomato juice. U. S. v. 1,167 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 23040, 23134. Sample Nos. 68048-H, 91333-H, 91347-H.)**

**LIBELS FILED:** May 16 and 23, 1947, District of Nebraska and Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 14, and December 3, 6, and 10, 1946, by Colo-Flavor Products, Inc., Palisade, Colo.

**PRODUCT:** Tomato juice. 1,167 cases at Lincoln, Nebr., and 3,150 cases at New York, N. Y. Each case contained 12 cans.

**LABEL, IN PART:** "Contents 1 Quart 14 Fl. Ozs. Colo-Flavor Brand Tomato Juice with Salt Added Packed and Distributed by Farmers Union Marketing Assn. Denver, Colo." or "Co-Op Tomato Juice \* \* \* Contents 1 Qt. 14 Fl. Oz. Packed For National Co-Operatives Inc. Chicago, Illinois."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled 1-quart, 14-fluid ounces.)

**DISPOSITION:** June 13 and August 15, 1947. Colo-Flavor Products, Inc., claimant, having consented to the entry of the decrees, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**13707. Adulteration of fenugreek tea. U. S. v. 11 Packages, etc. (F. D. C. No. 23345. Sample Nos. 76901-H, 86959-H, 86960-H.)**

**LIBEL FILED:** July 9, 1947, District of Minnesota.

**ALLEGED SHIPMENT:** Between the approximate dates of September 1, 1946, and May 27, 1947, by Nutritional Enterprises, from Chicago, Ill.

**PRODUCT:** Fenugreek tea. 11 4-ounce packages, 17 4-pound packages, and 13 1-pound packages, at Minneapolis, Minn.

**LABEL, IN PART:** "Lelord Kordel's Fenugreek tea."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, and rodent excreta fragments.

**DISPOSITION:** November 9, 1948. Nutritional Enterprises, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed for use as animal feed, under the supervision of the Food and Drug Administration. The cost of reprocessing having been found by the claimant to be excessive, the product was destroyed.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**13708. Adulteration of bakery products.** U. S. v. North Side Bakeries, Inc., and Wolf Malinsky and Nathan E. Kaufman. Fines of \$300 against each defendant on count 1; imposition of sentence suspended on counts 2 to 6, inclusive, and all defendants placed on probation for 3 years. (F. D. C. No. 25308. Sample Nos. 25378-K, 25379-K, 25397-K to 25400-K, incl.)

**INFORMATION FILED:** October 23, 1948, District of Minnesota, against the North Side Bakeries, Inc., a corporation, and Wolf Malinsky, president, and Nathan E. Kaufman, manager and secretary.

**ALLEGED SHIPMENT:** On or about June 21, 1948, from the State of Minnesota into the States of Wisconsin and Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of rodent hair fragments, insect fragments, and mites; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** December 13, 1948. Pleas of guilty having been entered, the defendants were each fined \$300 on count 1; sentence was suspended on counts 2 to 6, incl.; and each defendant was placed on probation for 3 years.

**13709. Adulteration of bread and buns.** U. S. v. J. W. Mootz Bakery, a partnership, and John William Mootz. Pleas of guilty. Fine of \$1,000 against partnership and \$500 against individual. (F. D. C. No. 24505. Sample Nos. 19115-K to 19118-K, incl.)

**LIBEL FILED:** March 8, 1948, Southern District of Ohio, against the J. W. Mootz Bakery, a partnership, Gallipolis, Ohio, and John William Mootz, a partner.

**ALLEGED SHIPMENT:** On or about November 19, 1947, from the State of Ohio into the State of West Virginia.

**LABEL, IN PART:** "Mootz's Sandwich Buns," "Whole Wheat Bread," "Kleen-Maid Bread," or "Mootz's Sandwich Loaf."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, and cat hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** April 1, 1948. Pleas of guilty having been entered, the court imposed a fine of \$250 on each of the 4 counts against the partnership and a fine of \$125 on each of the 4 counts against the individual.



**13710. Adulteration of bread. U. S. v. Harry C. Schleicher (Schleicher Bakery). Plea of guilty. Fine, \$60. (F. D. C. No. 25338. Sample Nos. 29323-K, 29326-K, 29328-K, 29423-K.)**

**INFORMATION FILED:** December 1, 1948, District of Wyoming, against Harry C. Schleicher, trading as Schleicher Bakery, Cheyenne, Wyo.

**ALLEGED SHIPMENT:** On or about May 13, 17, 19, and 20, 1948, from the State of Wyoming into the State of Colorado.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect parts, rodent hairs, and a cat or dog hair; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 8, 1948. A plea of guilty having been entered, the court imposed a fine of \$60.

**13711. Adulteration of Boston Brown Bread. U. S. v. 19 Cases \* \* \*. (F. D. C. Nos. 25467, 25469. Sample Nos. 170-K, 977-K.)**

**LIBELS FILED:** On or about August 23 and 30, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 9 and December 5 and 26, 1946, from Chattanooga, Tenn.

**PRODUCT:** Boston Brown Bread. 19 cases at Atlanta, Ga., and 14 cases at Griffin, Ga. Each case contained 24 12-ounce cans.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 28 and November 1, 1948. Default decrees of condemnation. A portion of the product was ordered destroyed and the remainder was ordered delivered to a public institution.

**13712. Adulteration of cookies. U. S. v. The Hitchner Biscuit Co. Plea of nolo contendere. Fine of \$250 on first five counts. Imposition of sentence suspended on last count and defendant placed on probation for 1 year. (F. D. C. No. 25280. Sample Nos. 12144-K to 12149-K, incl.)**

**INFORMATION FILED:** July 30, 1948, Middle District of Pennsylvania, against the Hitchner Biscuit Co., a corporation, West Pittston, Pa.

**ALLEGED SHIPMENT:** On or about March 16, 1948, from the State of Pennsylvania into the State of New York.

**LABEL, IN PART:** "Coco Crisp," "Iced Spice Wafers," "Cocoanut Dainties," "Richmond Cookie," "Old Fashioned Sugar Jumbles," or "Old Fashioned Ginger Snaps."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** September 8, 1948. A plea of nolo contendere having been entered, the defendant was fined \$250 on five counts. Imposition of sentence was suspended on the sixth count, and the defendant was placed on one year's probation.

**13713. Adulteration of pretzels. U. S. v. 177 Cans \* \* \*. (F. D. C. No. 25460. Sample No. 12178-K.)**

**LIBEL FILED:** August 16, 1948, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 15, 1948, by the Pennsylvania Butter Pretzel Co., from Easton, Pa.

**PRODUCT:** 177 cans of butter pretzels at Trenton, N. J.

**LABEL, IN PART:** (Cans) "Cadet Uniform Quality Butter Pretzels Golden Rods."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

**DISPOSITION:** September 30, 1948. Default decree of condemnation and destruction. On November 9, 1948, the decree was amended to provide for the sale of the cans by the Government, after their contents had been destroyed.

### CORN MEAL

**13714. Adulteration of corn meal. U. S. v. Home Stores, Inc., and Harry D. Adams. Pleas of guilty. Corporation fined \$1,200 and costs; individual fined \$300 and costs. (F. D. C. No. 24781. Sample Nos. 18147-K to 18149-K, incl.)**

**INFORMATION FILED:** June 22, 1948, Eastern District of Tennessee, against Home Stores, Inc., Chattanooga, Tenn., and Harry D. Adams, treasurer.

**ALLEGED SHIPMENT:** On or about October 16, 21, and 22, 1947, from the State of Tennessee into the State of Georgia.

**LABEL, IN PART:** "Honeymoon Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta fragments, larvae, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 3, 1948. Pleas of guilty having been entered, the corporation was fined \$1,200 and the individual defendant was fined \$300, plus costs.

**13715. Adulteration of corn meal. U. S. v. Lynchburg Milling Co. and Thomas K. Scott. Plea of nolo contendere. Corporation and individual each fined \$75. (F. D. C. No. 25305. Sample Nos. 40212-K to 40214-K, incl.)**

**INFORMATION FILED:** September 23, 1948, Western District of Virginia, against the Lynchburg Milling Co., a corporation, and Thomas K. Scott, president.

**ALLEGED SHIPMENT:** On or about April 26 and May 7, 1948, from the State of Virginia into the State of North Carolina.

**LABEL, IN PART:** "10 Lbs. Net Weight Old Fashion Stone Ground Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect larvae, larval heads, a larval head capsule, insect fragments, rodent excreta pellet fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.



**DISPOSITION:** November 23, 1948. Pleas of nolo contendere having been entered, the corporation and the individual were each fined \$75.

**13716. Adulteration of corn meal. U. S. v. S. V. Smith Mill & Elevator Co. Plea of guilty. Fine, \$200. (F. D. C. No. 24555. Sample Nos. 18111-K, 18115-K.)**

**INFORMATION FILED:** May 19, 1948, Eastern District of Tennessee, against the S. V. Smith Mill & Elevator Co., a partnership, Tullahoma, Tenn.

**ALLEGED SHIPMENT:** On or about August 16 and 30, 1947, from the State of Tennessee into the State of Alabama.

**LABEL, IN PART:** "Superior Brand Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta fragments.

**DISPOSITION:** June 29, 1948. A plea of guilty having been entered, the defendant was fined \$200.

**13717. Adulteration of corn meal. U. S. v. 5 Bags \* \* \*. (F. D. C. No. 24993. Sample No. 14151-K.)**

**LIBEL FILED:** July 12, 1948, Northern District of Illinois; amended libel filed on or about August 2, 1948.

**ALLEGED SHIPMENT:** On or about August 13, 1946, from Milwaukee, Wis.

**PRODUCT:** 5 100-pound bags of corn meal at Chicago, Ill., in possession of the Hoover Food Products Corp.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and larvae; and, Section 402 (a) (4), the article was held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 8, 1948. Default decree of condemnation and destruction.

**13718. Adulteration of corn meal and brewers grits. U. S. v. J. R. Short Milling Co. (Mt. Vernon Milling Co., Division of J. R. Short Milling Co.). Pleas of guilty. Fine, \$250. (F. D. C. No. 24792. Sample Nos. 7207-K, 7208-K, 18717-K, 18719-K.)**

**INFORMATION FILED:** On or about June 18, 1948, Southern District of Indiana, against the J. R. Short Milling Co., a corporation, trading as the Mt. Vernon Milling Co., Division of the J. R. Short Milling Co., Mt. Vernon, Ind.

**ALLEGED SHIPMENT:** On or about September 18, 19, and 25, and October 2, 1947, from the State of Indiana into the States of New York and Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of larvae, insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** November 5, 1948. A plea of guilty having been entered, a fine of \$250 was imposed.

**13719. Adulteration of corn meal, corn grits, and flour.** U. S. v. 16 Bales, etc. (and 3 other seizure actions). (F. D. C. Nos. 25137 to 25139, incl., 25356. Sample Nos. 60-K to 65-K, incl., 69-K to 71-K, incl., 166-K, 167-K, 362-K, 363-K, 373-K.)

**LIBELS FILED:** August 2, 4, and 13, 1948, Southern District of Georgia; amended libel on one lot filed on September 14, 1948.

**ALLEGED SHIPMENT:** Between the approximate dates of March 24 and July 15, 1948, by the Manning Milling Co., from Manning, S. C.

**PRODUCT:** 214 bales and 110 bags of corn meal, 46 bales and 10 bags of corn grits, and 5 bales and 158 bags of flour at Savannah and Augusta, Ga. The bales contained from 4 to 20 bags. The bags were in 2-, 5-, 10-, 25-, 50-, and 100-pound sizes.

**LABEL, IN PART:** "Corn Meal Enriched," "Corn Grits Enriched by Nature," and "White Eagle Flour [or "Self Rising Flour"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, rodent hairs, rodent hair fragments, and rodent excreta; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** September 23 and 24, 1948. The Manning Milling Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

### FLOUR\*

Nos. 13720 to 13748 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

**13720. Adulteration of flour.** U. S. v. Lakeview Milling Co., Inc., and Harry A. Wolf. Fine of \$100 per count against each defendant on first 3 counts (total \$600). Sentence suspended on count 4. Corporation and individual placed on probation for 1 year. (F. D. C. No. 25326. Sample Nos. 5062-K, 5074-K, 5076-K, 40129-K.)

**INFORMATION FILED:** October 21, 1948, Middle District of Pennsylvania, against Lakeview Milling Co., Inc., a corporation, Chambersburg, Pa., and Harry A. Wolf, vice-president, secretary-treasurer, and manager.

**ALLEGED SHIPMENT:** On or about February 28, May 19, and June 2, 1948, from the State of Pennsylvania into the States of Massachusetts and Maryland.

**LABEL, IN PART:** "100 Lbs. Net Wholewheat Flour," "100 Lbs. Venus Whole Wheat Flour," "Bleached 100 Lbs. Fancy Pastry Flour," or "100# Fine Ground Whole Wheat Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larval insect head capsules, insect fragments, rodent hair fragments, insect larvae, a larval cast skin, mites, and a rodent excreta pellet fragment; and, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

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\*See also No. 13719.



**DISPOSITION:** November 15, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$100 per count against each defendant on the first 3 counts (total, \$600) ; sentence was suspended on count 4 ; and the corporation and the individual were placed on probation for 1 year.

**13721. Adulteration of flour. U. S. v. 83 Bags \* \* \*. (F. D. C. No. 25175. Sample No. 2806-K.)**

**LIBEL FILED:** On or about July 20, 1948, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about June 7, 1948, from Greeley, Colo.

**PRODUCT:** 83 100-pound bags of flour at Harrisonburg, Va.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and larvae parts. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 27, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use other than for human consumption.

**13722. Adulteration of flour. U. S. v. 119 Bags \* \* \*. (F. D. C. No. 25431. Sample Nos. 23553-K to 23556-K, incl.)**

**LIBEL FILED:** August 31, 1948, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about February 9, 1948, from Kansas City, Mo.

**PRODUCT:** 119 100-pound bags of flour at New Orleans, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 1, 1948. Default decree of condemnation and destruction.

**13723. Adulteration of flour. U. S. v. 37 Bags \* \* \*. (F. D. C. No. 25449. Sample No. 19947-K.)**

**LIBEL FILED:** September 9, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about April 24, 1948, from Wabasha, Minn.

**PRODUCT:** 37 100-pound bags of flour at Portsmouth, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. (The article was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** October 13, 1948. The International Milling Co., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be denatured and converted into stock feed, under the supervision of the Federal Security Agency.

**13724 Adulteration of flour. U. S. v. 28 Bags \* \* \*. (F. D. C. No. 25454. Sample No. 482-K.)**

**LIBEL FILED:** August 17, 1948, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about April 16, 1948, from Statesville, N. C.

**PRODUCT:** 28 100-pound bags of flour at Rock Hill, S. C., in possession of the City Wholesale Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 1, 1948. Default decree of condemnation. The product was ordered delivered to a local institution, for use as animal feed.

**13725. Adulteration of flour. U. S. v. 530 Bags. (F. D. C. No. 25473. Sample Nos. 698-K, 699-K.)**

**LIBEL FILED:** August 19, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about December 31, 1947, and July 6, 1948, from Jerome, Idaho, and Nashville, Tenn.

**PRODUCT:** Flour. 530 10-pound bags and 82 50-pound bags at La Grange, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 24, 1948. La Grange Grocery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

**13726. Adulteration of flour. U. S. v. 67 Bags. (F. D. C. No. 25485. Sample No. 5057-K.)**

**LIBEL FILED:** August 26, 1948, District of New Hampshire.

**ALLEGED SHIPMENT:** On or about June 19, 1948, from Buffalo, N. Y.

**PRODUCT:** 67 100-pound bags of flour at Portsmouth, N. H., in possession of the Frank W. Hersey Estate.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 8, 1948. Default decree of condemnation and destruction.

**13727. Adulteration of flour. U. S. v. 56 Bags, etc. (F. D. C. No. 25487. Sample Nos. 980-K, 981-K.)**

**LIBEL FILED:** On or about September 2, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about February 27 and June 14, 1948, from Loudonville, Ohio, and Wilson, Kans.

**PRODUCT:** 56 10-pound bags and 18 50-pound bags of flour at Carrollton, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 12, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.



**13728. Adulteration of flour. U. S. v. 111 Bags \* \* \*. (F. D. C. No. 25390. Sample No. 697-K.)**

**LIBEL FILED:** August 16, 1948, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about July 7, 1948, from Memphis, Tenn.

**PRODUCT:** 111 25-pound bags of flour at Columbus, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 28, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as hog feed.

**13729. Adulteration of flour. U. S. v. 80 Bags \* \* \*. (F. D. C. No. 25402. Sample No. 2498-K.)**

**LIBEL FILED:** August 19, 1948, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about February 19, 1948, from Kansas City, Mo.

**PRODUCT:** 80 25-pound bags of flour at Spencer, W. Va., in possession of the Kincaid Produce & Wholesale Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 26, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**13730. Adulteration of flour. U. S. v. 45 Bags \* \* \*. (F. D. C. No. 25245. Sample No. 27383-K.)**

**LIBEL FILED:** August 9, 1948, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about January 14, 1948, from Oklahoma City, Okla.

**PRODUCT:** 45 50-pound bags of flour at North Little Rock, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** December 14, 1948. Default decree of condemnation and destruction.

**13731. Adulteration of flour. U. S. v. 272 Bags \* \* \*. (F. D. C. No. 25250. Sample No. 29229-K.)**

**LIBEL FILED:** August 10, 1948, District of Colorado.

**ALLEGED SHIPMENT:** On or about May 20, 1948, from Crete, Nebr.

**PRODUCT:** 272 bags of flour at Trinidad, Colo., in possession of Joseph Sawaya & Sons Wholesale Grocers.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. (The product was adulterated while held for sale after shipment in interstate commerce.)

DISPOSITION: September 10, 1948. Default decree of condemnation and destruction.

13732. Adulteration of flour. U. S. v. 100 Bags \* \* \*. (F. D. C. No. 24857. Sample No. 9617-K.)

LIBEL FILED: May 26, 1948, Eastern District of New York.

ALLEGED SHIPMENT: On or about April 19, 1948, by La Grange Mills, from Red Wing, Minn.

PRODUCT: 100 100-pound bags of flour at Long Island, N. Y.

LABEL, IN PART: "Choice Spring Patent Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 29, 1948. Jacob Kulla Sons, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be manufactured into animal feed, under the supervision of the Food and Drug Administration.

13733. Adulteration of flour. U. S. v. 232 Bags \* \* \*. (F. D. C. No. 24992. Sample Nos. 23228-K, 23229-K.)

LIBEL FILED: July 1, 1948, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 11, 1947, and February 17, 1948, from Oklahoma City, Okla.

PRODUCT: 232 100-pound bags of flour at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (The article was adulterated while held for sale after shipment in interstate commerce by reason of the presence of insects.)

DISPOSITION: October 1, 1948. Default decree of condemnation and destruction.

13734. Adulteration of flour. U. S. v. 83 Bags \* \* \*. (F. D. C. No. 25004. Sample No. 23230-K.)

LIBEL FILED: July 6, 1948, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 7, 1948, from Dallas, Tex.

PRODUCT: 5 50-pound bags and 78 25-pound bags of flour at Thibodaux, La.

NATURE OF CHARGE: The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance. (The product was insect-infested.)

DISPOSITION: October 1, 1948. Default decree of condemnation and destruction.

13735. Adulteration of flour. U. S. v. 220 Bags \* \* \*. (F. D. C. No. 25020. Sample No. 27526-K.)

LIBEL FILED: On or about July 15, 1948, Western District of Missouri.

ALLEGED SHIPMENT: On or about May 6, 1948, from Wichita, Kans.

PRODUCT: 220 25-pound bags of flour at Springfield, Mo., in possession of the Springfield Sales Co.



**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 1948. Default decree of condemnation and destruction.

**13736. Adulteration of flour. U. S. v. 108 Bags \* \* \*. (F. D. C. No. 25051. Sample No. 23233-K.)**

**LIBEL FILED:** July 21, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about May 20, 1948, from Fort Worth, Tex.

**PRODUCT:** 108 25-pound bags of flour at Crowley, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils. (The article was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** August 22, 1948. Helo Bros. Wholesale Co., Crowley, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as hog feed, under the supervision of the Federal Security Agency.

**13737. Adulteration of flour. U. S. v. 207 Bags \* \* \*. (F. D. C. No. 25232. Sample No. 27380-K.)**

**LIBEL FILED:** August 2, 1948, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about June 8, 1948, from Oklahoma City, Okla.

**PRODUCT:** 207 2-pound bags of flour at Little Rock, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** September 22, 1948. Default decree of condemnation and destruction.

**13738. Adulteration of flour. U. S. v. 20 Bags \* \* \*. (F. D. C. No. 25225. Sample No. 45727-K.)**

**LIBEL FILED:** On or about July 27, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about May 6, 1948, from Minneapolis, Minn.

**PRODUCT:** 20 100-pound bags at St. Louis, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** August 24, 1948. Default decree of condemnation and destruction.

**13739. Adulteration of flour. U. S. v. 20 Bags \* \* \*. (F. D. C. No. 25240. Sample No. 22955-K.)**

**LIBEL FILED:** August 24, 1948, Middle District of Alabama.

**ALLEGED SHIPMENT:** On or about April 19, 1948, from Alton, Ill.

PRODUCT: 20 100-pound bags of bromated flour at Montgomery, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. (The product was adulterated while held for sale after shipment in interstate commerce.)

DISPOSITION: September 10, 1948. Leo J. Drum and C. E. Weisenburgh, trading as the Capital Grain & Feed Co., Montgomery, Ala., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured, under the supervision of the United States marshal.

**13740. Adulteration of flour. U. S. v. 260 Sacks \* \* \*. (F. D. C. No. 25177. Sample No. 23234-K.)**

**LIBEL FILED:** July 22, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about February 9, 1946, from Shawnee, Okla.

**PRODUCT:** 260 25-pound sacks of flour at Abbeville, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and weevils. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 4, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution, to be used as hog feed.

**13741. Adulteration of flour. U. S. v. 110 Sacks \* \* \*. (F. D. C. No. 25145. Sample No. 31250-K.)**

**LIBEL FILED:** July 30, 1948, District of Arizona.

**ALLEGED SHIPMENT:** On or about April 26, 1948, from Ogden, Utah.

**PRODUCT:** 110 25-pound sacks of flour at Phoenix, Ariz., in possession of the Southwestern Wholesale Grocery Co.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, rodent urine, and rodent excreta, and under Section 402 (a) (4), in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 21, 1948. Default decree of condemnation and destruction.

**13742. Adulteration of flour. U. S. v. 22 Sacks \* \* \*. (F. D. C. No. 25450. Sample No. 23557-K.)**

**LIBEL FILED:** September 8, 1948, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about June 19, 1948, from Shawnee, Okla.

**PRODUCT:** 22 100-pound sacks of flour at New Orleans, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** October 12, 1948. Default decree of condemnation and destruction.



**13743. Adulteration of phosphated flour. U. S. v. 265 Bags \* \* \*. (F. D. C. No. 25072. Sample No. 472-K.)**

**LIBEL FILED:** July 8, 1948, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about January 30, 1948, from Blackwell, Okla.

**PRODUCT:** 265 100-pound bags of phosphated flour at Winston-Salem, N. C., in possession of Hoots Brothers.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent urine, and insects; and, Section 402 (a) (4), in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 21, 1948. Hoots Brothers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured, and disposed of as animal or poultry feed, under the supervision of the Federal Security Agency.

**13744. Adulteration of enriched flour. U. S. v. 54 Bags, etc. (F. D. C. No. 25478. Sample Nos. 982-K, 983-K.)**

**LIBEL FILED:** On or about September 2, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 6, 1947, and July 3, 1948, from Abilene, Kans.

**PRODUCT:** 54 25-pound bags and 28 50-pound bags of enriched flour at Bowdon, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 1, 1948. Default decree of condemnation and destruction. On November 12, 1948, the decree was amended to provide for the delivery of the product to the United States Penitentiary, Atlanta, Ga., in lieu of destruction.

**13745. Adulteration of cake flour. U. S. v. 200 Bags \* \* \*. (F. D. C. No. 25476. Sample No. 778-K.)**

**LIBEL FILED:** August 25, 1948, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about May 27, 1948, from Kent, Ohio.

**PRODUCT:** 200 100-pound bags of cake flour at Jacksonville, Fla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 17, 1948. The Ambrosia Cake Bakeries Corp., Jacksonville, Fla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Federal Security Agency.

**13746. Adulteration of soy flour. U. S. v. 108 Bags \* \* \*. (F. D. C. No. 25451. Sample No. 45825-K.)**

**LIBEL FILED:** September 13, 1948, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about January 15 and June 12, 1948, from Decatur, Ill.

**PRODUCT:** 108 100-pound bags of soy flour at Memphis, Tenn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 22, 1948. The A. E. Staley Manufacturing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

**13747. Adulteration of soy flour. U. S. v. 20 Bags \* \* \*. (F. D. C. No. 24989. Sample No. 36388-K.)**

**LIBEL FILED:** On or about July 21, 1948, District of Oregon.

**ALLEGED SHIPMENT:** On or about September 19, 1947, from Chicago, Ill.

**PRODUCT:** 20 100-pound bags of soy flour at Portland, Oreg.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. (The article was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** September 24, 1948. Default decree of condemnation. The product was ordered disposed of for use as animal feed.

**13748. Adulteration of soy flour. U. S. v. 8 Bags \* \* \*. (F. D. C. No. 24979. Sample No. 45706-K.)**

**LIBEL FILED:** June 29, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about May 6, 1948, from Decatur, Ill.

**PRODUCT:** 8 100-pound bags of soy flour at St. Louis, Mo., in possession of Southern Terminal Warehouse.

**NATURE OF CHARGE:** The product was adulterated while held for sale after shipment in interstate commerce in violation of Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. (Some of the bags were rodent-gnawed, and samples of the flour were found to contain rodent pellets and rodent hairs.)

**DISPOSITION:** July 30, 1948. Default decree of condemnation and destruction.

### MACARONI AND NOODLE PRODUCTS

**13749. Adulteration of macaroni products. U. S. v. Quality Macaroni Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 24832. Sample No. 12260-K.)**

**INFORMATION FILED:** July 26, 1948, Western District of New York, against the Quality Macaroni Co., a partnership, Rochester, N. Y.

**ALLEGED SHIPMENT:** On or about February 19, 1948, from the State of New York into the State of Pennsylvania.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects and insect frag-



ments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 4, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$250.

**13750. Adulteration of macaroni products. U. S. v. 6 Cases, etc.** (F. D. C. No. 25150. Samples Nos. 23305-K to 23313-K, incl.)

**LIBEL FILED:** July 30, 1948, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about September 10 and December 11, 1947, and January 15 and April 19, 1948, from Kansas City, Mo.

**PRODUCT:** 367 cases, each containing 24 packages, of macaroni products at Houston, Tex. The packages were in 8-, 10-, 12-, and 16-ounce sizes.

**NATURE OF CHARGE:** The articles were adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that they consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** September 20, 1948. The American Beauty Macaroni Co., Kansas City, Mo., the sole intervener, having withdrawn its appearance, judgment of condemnation was entered and the products were ordered denatured and delivered to public welfare institutions, for use as stock feed.

**13751. Adulteration of macaroni products. U. S. v. 7 Cases, etc.** (F. D. C. No. 25080. Sample Nos. 22588-K to 22600-K, incl., 23301-K to 23303-K, incl.)

**LIBEL FILED:** July 12, 1948, Southern District of Texas.

**ALLEGED SHIPMENT:** Between the approximate dates of August 8, 1947, and March 12, 1948, from New Orleans, La.

**PRODUCT:** 291 cases, each containing 24 packages, of macaroni products at Houston, Tex. The packages were in 3½-, 6-, 7-, 9-, and 12-ounce sizes.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of weevils, beetles, and larvae. (The articles were adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** August 31, 1948. Default decree of condemnation. The products were ordered delivered to public institutions, for use as animal feed.

**13752. Adulteration of macaroni products. U. S. v. 7 Cases, etc.** (F. D. C. No. 25464. Sample Nos. 23405-K to 23409-K, incl.)

**LIBEL FILED:** August 17, 1948, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about July 16 and December 11, 1947, and January 15, 1948, from Kansas City, Mo.

**PRODUCT:** 7 cases, each containing 24 1-pound packages, and 146 cases, each containing 24 12-ounce packages, of macaroni products at Houston, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 20, 1948. The sole intervener having withdrawn its appearance, judgment of condemnation was entered and the products were ordered denatured and delivered to a public institution.

**13753. Adulteration of egg noodles. U. S. v. D. W. Mikesell, Inc., and Eugene C. Cox. Pleas of guilty. Corporation fined \$400 and individual defendant fined \$250. (F. D. C. No. 25278. Sample No. 18674-K.)**

**LIBEL FILED:** August 5, 1948, Southern District of Indiana, against D. W. Mikesell, Inc., Indianapolis, Ind., and Eugene C. Cox, manager.

**ALLEGED SHIPMENT:** On or about February 6, 1948, from the State of Indiana into the State of Ohio.

**LABEL, IN PART:** "Mike-sell's Home Made Enriched Egg Noodles."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larva, insect fragments, and rodent hair fragments.

**DISPOSITION:** November 8, 1948. Pleas of guilty having been entered, the corporation was fined \$400 and the individual defendant \$250.

**13754. Adulteration and misbranding of egg noodles. U. S. v. Mrs. Kelley's Noodle Kitchen. Plea of guilty. Fine, \$400. (F. D. C. No. 25332. Sample Nos. 19060-K, 39981-K.)**

**INFORMATION FILED:** November 19, 1948, Southern District of Ohio, against Mrs. Kelley's Noodle Kitchen, a partnership, Dayton, Ohio.

**ALLEGED SHIPMENT:** On or about January 23 and 30, 1948, from the State of Ohio into the State of Indiana.

**LABEL, IN PART:** "Eavey's E Brand Pure Egg Noodles \* \* \* Packed For The Eavey Co. Richmond, Ind. Xenia, Ohio" or "Mrs. Kelley's Egg Noodles \* \* \* Mrs. Kelley's Noodle Kitchen Dayton-Ohio."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, the solids of egg or egg yolk, had been in part omitted; and, Section 402 (b) (2), a product deficient in the solids of egg or egg yolk had been substituted in part for egg noodles, a food for which a definition and standard of identity has been prescribed by the regulations.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for egg noodles since the total solids of the product contained less than the minimum of 5.5 percent, by weight, of the solids of egg or egg yolk required by the standard.

**DISPOSITION:** December 13, 1948. A plea of guilty having been entered, the defendant was fined \$400.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**13755. Adulteration and misbranding of pulverized oats. U. S. v. George A. Van Dam (Van Dam & Sons). Plea of guilty. Fine, \$500. (F. D. C. No. 25318. Sample Nos. 39249-K to 39251-K, incl.)**

**INFORMATION FILED:** November 8, 1948, Eastern District of Wisconsin, against George A. Van Dam, trading as Van Dam & Sons, Casco, Wis.

**ALLEGED SHIPMENT:** On or about January 5 and February 13 and 18, 1948, from the State of Wisconsin into the State of Massachusetts.

**LABEL, IN PART:** "Medium Pulverized Oats."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of limestone and pulverized oats had been substituted for pulverized oats.

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\*See also No. 13860.



Misbranding, Section 403 (a), the label statement "Pulverized Oats" was false and misleading as applied to a mixture of pulverized oats and limestone. DISPOSITION: November 29, 1948. A plea of guilty having been entered, the court imposed a fine of \$500.

**13756. Adulteration of oatmeal. U. S. v. 9 Bags \* \* \*. (F. D. C. No. 25042. Sample No. 6706-K.)**

**LIBEL FILED:** July 13, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about November 18, 1947, and February 13, 1948, from Akron, Ohio.

**PRODUCT:** 9 100-pound bags of oatmeal at Rochester, N.Y., in possession of Wegman's Food Markets, Inc.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 11, 1948. Default decree of condemnation and destruction.

**13757. Adulteration of corn grits. U. S. v. 200 Bags \* \* \*. (F. D. C. No. 25452. Sample No. 19761-K.)**

**LIBEL FILED:** September 9, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 21, 1948, from Milwaukee, Wis.

**PRODUCT:** 200 100-pound unlabeled bags of corn grits at Reading, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** November 3, 1948. The Cincinnati Brewing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and converted into hog feed, under the supervision of the Federal Security Agency.

**13758. Adulteration of rice. U. S. v. 223 Sacks \* \* \*. (F. D. C. No. 24988. Sample No. 28041-K.)**

**LIBEL FILED:** July 2, 1948, District of Colorado.

**ALLEGED SHIPMENT:** On or about April 27, 1948, from Salt Lake City, Utah.

**PRODUCT:** 223 100-pound sacks of rice at Denver, Colo., in possession of the Universal Food Distributing Co.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent urine, rodent hairs, and rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 15, 1948. The Berger Sales Co., Denver, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be washed and cleaned under the supervision of the Federal Security Agency and processed into an article known as koji.

**13759. Adulteration of rice and pinto beans. U. S. v. 53 Bags, etc. (F. D. C. No. 25141. Sample Nos. 2811-K, 2812-K.)**

**LIBEL FILED:** July 28, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about November 10, 1947, and May 14, 1948, from Stuttgart, Ark., and Rupert, Idaho.

**PRODUCT:** 53 100-pound bags of rice and 80 100-pound bags of pinto beans at Baltimore, Md.

**NATURE OF CHARGE:** The articles were adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that they consisted in whole or in part of filthy substances by reason of the presence of larvae, insect parts, rodent excreta, and rodent hairs.

**DISPOSITION:** August 30, 1948. The Maryland Grocery Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the products be released under bond, conditioned that the rice be denatured for use as animal feed and that the pinto beans be brought into compliance with the law, under the supervision of the Federal Security Agency.

**13760. Adulteration of Cream of Maize. U. S. v. 30 Bags \* \* \*. (F. D. C. No. 25142. Sample No. 690-K.)**

**LIBEL FILED:** On or about August 6, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about May 14, 1948, from Decatur, Ill.

**PRODUCT:** 30 50-pound bags of Cream of Maize at Atlanta, Ga., in possession of the Brown-Rogers-Dixson Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. (The article was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** September 28, 1948. Default decree of condemnation. The product was ordered delivered to a Federal penitentiary for non-food use.

**13761. Adulteration of gingerbread mix. U. S. v. 31 Cases \* \* \*. (F. D. C. No. 24914. Sample No. 162-K.)**

**LIBEL FILED:** On or about June 29, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about February 25, 1947, from Pittsburgh, Pa.

**PRODUCT:** 31 cases, each containing 24 14-ounce packages, of gingerbread mix at Atlanta, Ga.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

**DISPOSITION:** July 30, 1948. Default decree of condemnation and destruction.

**13762. Adulteration of cake base and dog food base. U. S. v. 1 Barrel, etc (F. D. C. No. 25417. Sample Nos. 19950-K, 44411-K, 44416-K.)**

**LIBEL FILED:** August 27, 1948, Southern District of Ohio.



**ALLEGED SHIPMENT:** On or about August 6 and December 23, 1947, and February 6, 1948, from New York, N. Y.

**PRODUCT:** 1 300-pound barrel and 2 250-pound barrels of cake base and 3 250-pound barrels of food base at Middleport, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insects. (The products were adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** October 7, 1948. Default decree of condemnation and destruction.

## CONFECTIONERY AND MISCELLANEOUS SACCHARINE PRODUCTS

**13763. Adulteration of candy. U. S. v. Francis C. Schingen (Standard Candy Co.).** Plea of guilty. Fine of \$5,000 and imprisonment of 14 months. Prison sentence suspended and defendant placed on probation for 2 years. Upon violation of probation, defendant ordered to serve the prison sentence. Judgment affirmed upon appeal to the Court of Appeals for the Third Circuit. Sentence subsequently reduced to 6 months in prison. (F. D. C. No. 20185. Sample Nos. 4576-H, 5112-H.)

**INFORMATION FILED:** October 17, 1946, Eastern District of Pennsylvania, against Francis C. Schingen, trading as the Standard Candy Co., Philadelphia, Pa.

**ALLEGED SHIPMENT:** On or about September 11 and 12, 1945, from the State of Pennsylvania into the States of New Jersey and Delaware.

**LABEL, IN PART:** "Original Jumbo Ko-Kets Rich, Creamy Cocoanut Flavored Confection."

**NATURE OF CHARGE:** Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, mineral oil.

**DISPOSITION:** February 6, 1947. The defendant having entered a plea of guilty, the court imposed a fine of \$5,000. In addition the defendant was sentenced to imprisonment of 14 months, which was suspended, and was placed on probation for 2 years. Upon violation of probation, by reason of the presence of insanitary conditions in the defendant's factory, the court ordered the defendant to serve the prison sentence. The case was appealed to the United States Court of Appeals for the Third Circuit, and on June 12, 1947, the judgment was affirmed. A motion for reconsideration of sentence was made, and on August 5, 1947, the sentence was reduced to 6 months in prison.

**13764. Adulteration of candy. U. S. v. Manuel V. Davis (Davis Candy Co.).** Plea of guilty. Fine, \$200, plus costs. (F. D. C. No. 25299. Sample Nos. 19508-K to 19511-K, incl.)

**INFORMATION FILED:** August 23, 1948, Eastern District of Tennessee, against Manuel V. Davis, trading as the Davis Candy Co., Chattanooga, Tenn.

**ALLEGED SHIPMENT:** On or about March 17 and 24, 1948, from the State of Tennessee into the States of North Carolina and Georgia.

**LABEL, IN PART:** "Davis 5¢ Peanut Butter Stick [or "Penny Mint Stick," "Penny Sticks," or "Mint Sticks 5¢"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and

rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 4, 1948. A plea of guilty having been entered, a fine of \$200, plus costs, was imposed.

**13765. Adulteration of candy. U. S. v. Roy Z. Hershey (Pitt Chocolate Co.).**

**Plea of guilty to one count and plea of nolo contendere to remaining 5 counts. Fine of \$200 on each of six counts, plus costs. Total amount of fine subsequently reduced to \$600. (F. D. C. No. 25284. Sample Nos. 4931-K, 4975-K to 4977-K, incl., 8113-K, 8114-K.)**

**INFORMATION FILED:** August 16, 1948, Western District of Pennsylvania, against Roy Z. Hershey, trading as the Pitt Chocolate Co., Wilkesburg, Pa.

**ALLEGED SHIPMENT:** On or about March 22, 30, and 31, 1948, from the State of Pennsylvania into the States of Massachusetts and Connecticut.

**LABEL, IN PART:** "Pitt Cordial Chocolate Covered Stem Cherries" or "Bon-Bons."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, and whole insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 29, 1948. The defendant having entered a plea of guilty to count 4 of the information and a plea of nolo contendere to the other five counts, a fine of \$200, plus costs, was imposed on each of the six counts. On December 28, 1948, with the consent of the United States Attorney's Office, the total amount of the fine was reduced to \$600.

**13766. Adulteration of candy. U. S. v. Gurley Chocolate Co. Plea of guilty.**

**Fine of \$150 on each of counts 1 and 2; imposition of sentence suspended on count 3 and defendant placed on probation for 18 months. (F. D. C. No. 24241. Sample Nos. 51687-H, 52195-H, 52196-H.)**

**INFORMATION FILED:** October 17, 1947, District of Minnesota, against the Gurley Chocolate Co., a partnership, Minneapolis, Minn.

**ALLEGED SHIPMENT:** Between the approximate dates of October 15 and December 3, 1946, from the State of Minnesota into the States of Iowa, North Dakota, and South Dakota.

**LABEL, IN PART:** "Gurley's Minneapolis Florentine Chocolates" and "Gurley's Hidden Treasures."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, insect eggs, rodent hair fragments, and cat hair fragments.

**DISPOSITION:** February 5, 1948. A plea of guilty having been entered, the court imposed a fine of \$150 on each of counts 1 and 2, suspended the imposition of sentence on count 3, and placed the defendant on probation for 18 months.

**13767. Adulteration of candy. U. S. v. Just Born, Inc. Plea of nolo contendere.**

**Fine, \$400. (F. D. C. No. 25300. Sample Nos. 3319-K, 3320-K, 8243-K, 9726-K.)**



**INFORMATION FILED:** September 21, 1948, Eastern District of Pennsylvania, against Just Born, Inc., Bethlehem, Pa.

**ALLEGED SHIPMENT:** On or about November 20 and December 8, 1947, from the State of Pennsylvania into the States of Maryland, New Jersey, and New York.

**LABEL, IN PART:** "Deluxe Chocolate Bridge Mix" or "Italian Creams."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments and hairs resembling rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 22, 1948. A plea of nolo contendere having been entered, the defendant was fined \$400.

**13768. Adulteration of candy. U. S. v. 10 Cartons \* \* \*. (F. D. C. No. 25088. Sample No. 9852-K.)**

**LIBEL FILED:** July 13, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about June 16, 1948, by J. Schwartz & Sons, from Philadelphia, Pa.

**PRODUCT:** 10 cartons, each containing 100 packages, of candy at Long Island, N. Y.

**LABEL, IN PART:** "Victorian Mints Net Wt. 1 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

**DISPOSITION:** October 15, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**13769. Adulteration of candy. U. S. v. 30 Boxes \* \* \*. (F. D. C. No. 25480. Sample No. 371-K.)**

**LIBEL FILED:** On or about August 31, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about April 2, 1948, from Chicago, Ill.

**PRODUCT:** 30 boxes each containing 24 1 $\frac{3}{8}$ -ounce candy bars at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 12, 1948. Default decree of condemnation and destruction.

**13770. Adulteration and misbranding of Turkish Paste. U. S. v. 150 Packages, etc. (F. D. C. No. 24750. Sample Nos. 10504-K, 10505-K.)**

**LIBEL FILED:** April 28, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about March 27, 1948, by the Smyrna Lowell Confectionery Co., from Lowell, Mass.

**PRODUCT:** Turkish Paste. 150 1-pound packages and 91 1 $\frac{1}{2}$ -pound packages at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair

fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), the 1-pound packages failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "1 Lb. Net" was inaccurate. (The article was short-weight.)

DISPOSITION: May 18, 1948. Default decree of condemnation and destruction.

**13771. Misbranding of candy. U. S. v. 60 Cases \* \* \*. (F. D. C. No. 25053. Sample No. 18264-K.)**

**LIBEL FILED:** July 26, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about July 7, 1948, by the DeWitt P. Henry Co., from Philadelphia, Pa.

**PRODUCT:** 60 cases, each containing 100 cartons, of caramels at Cleveland, Ohio.

Examination showed that each carton contained 5 pieces of candy, whereas 10 pieces of candy could easily have been placed in the carton.

**LABEL, IN PART:** "Henry's Caramels Chocolate Covered Net weight 1 ounce."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since the container was slack filled.

**DISPOSITION:** November 17, 1948. Default decree of condemnation. The product was ordered delivered to charitable organizations.

**13772. Misbranding of marshmallows. U. S. v. 26 Cartons \* \* \*. (F. D. C. No. 25112. Sample No. 19480-K.)**

**LIBEL FILED:** July 20, 1948, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about April 13, 1948, by Byron Jesters, from Muncie, Ind. This was a return shipment.

**PRODUCT:** 26 cartons, each containing 24 bags, of marshmallows at Pikeville, Ky.

**LABEL IN PART:** (Bag) "Marshmallows Net Wt. approx. 6 oz. Brown's Food Products, Paintsville, Ky."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

**DISPOSITION:** August 12, 1948. Default decree of condemnation. The product was ordered delivered to a public welfare institution.

**13773. Adulteration of marshmallow whip. U. S. v. 30 Cases, etc. (F. D. C. No. 25470. Sample No. 5033-K.)**

**LIBEL FILED:** August 19, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about November 27, 1946, and January 20, 1947, from Cambridge, Mass.

**PRODUCT:** Marshmallow whip. 30 cases, each containing 12 14-ounce jars; 48 cases, each containing 12 7-ounce jars; and 45 cases, each containing 24 4-ounce jars, at New London, Conn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 26, 1948. Default decree of condemnation and destruction.



13774. Misbranding of frosting mix. U. S. v. 176 Cases \* \* \*. (F. D. C. No. 25363. Sample No. 9943-K.)

**LIBEL FILED:** August 12, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about July 2 and 12, 1948, by the Taylor-Reed Corp., from Glenbrook, Conn.

**PRODUCT:** 176 cases, each containing 24 4½-ounce packages, of frosting mix at Brooklyn, N. Y.

**LABEL, IN PART:** "Q-T Instant Pink Frosting Strawberry Flavor."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Strawberry Flavor" was false and misleading since the product contained little, if any, strawberry flavor.

**DISPOSITION:** October 11, 1948. The shipper, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration. On February 2, 1949, the claimant having consented to the entry of a decree, judgment was entered ordering the product destroyed.

13775. Adulteration and misbranding of sirup. U. S. v. 5 Cases \* \* \*. (F. D. C. No. 24977. Sample No. 674-K.)

**LIBEL FILED:** June 28, 1948, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about March 27, 1948, by the Sanson Meal Co., from Jacksonville, Fla.

**PRODUCT:** 5 cases, each containing 24 16-ounce bottles, and 50 72-ounce cans of sirup at Americus, Ga.

**LABEL, IN PART:** "Sanson Pure Sugar Cane Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing 80 percent sugar sirup and 20 percent cane sirup had been substituted for pure sugar cane sirup.

Misbranding, Section 403 (a), the label statement "Pure Sugar Cane Syrup" was false and misleading.

**DISPOSITION:** August 10, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

13776. Adulteration of brown sugar. U. S. v. 222 Bags \* \* \*. (F. D. C. No. 25206. Sample No. 20614-K.)

**LIBEL FILED:** On or about August 2, 1948, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about December 1, 1947, and January 27, 1948, from San Francisco, Calif.

**PRODUCT:** 222 100-pound bags of brown sugar at Kansas City, Mo., in possession of Crooks Terminal Warehouse.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and insects; and, Section 402 (a) (4), in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 20, 1948. Crooks Terminal Warehouse, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration. Of the 96 bags seized, 61 bags were found to be satisfactory. The 35 contaminated bags of the product were denatured and disposed of for use as cattle feed.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 13777 to 13779, and butter that was below the standard for milk fat content, Nos. 13780 to 13784.

**13777. Adulteration of butter.** U. S. v. Fairmont Foods Co., a corporation, and Maurice W. Coffin. Pleas of guilty. Corporation fined \$250; individual defendant fined \$25. (F. D. C. No. 24551. Sample No. 713-K.)

**INFORMATION FILED:** April 27, 1948, Western District of Oklahoma, against Fairmont Foods Co., Guthrie, Okla., and Maurice W. Coffin, manager.

**ALLEGED SHIPMENT:** On or about September 15, 1947, from the State of Oklahoma into the State of Florida.

**LABEL, IN PART:** "Fairmont's Better Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 16, 1948. Pleas of guilty having been entered, the corporation was fined \$250 and the individual defendant \$25.

**13778. Adulteration of butter.** U. S. v. 16 Cartons (1,024 pounds) \* \* \*. (F. D. C. No. 23481. Sample No. 77288-H.)

**LIBEL FILED:** April 14, 1947, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about April 9, 1947, by the Kellogg Cooperative Creamery, from Kellogg, Minn.

**PRODUCT:** 16 64-pound cartons of butter at Dubuque, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Examination showed that the product contained rodent hairs.)

**DISPOSITION:** May 27, 1947. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released upon the filing of a bond, conditioned that the butter be converted into butter oil and that the oil be denatured under the supervision of the Food and Drug Administration. On June 10, 1947, the claimant having failed to furnish bond or pay costs, the product was ordered sold, to be converted into soap stock or other products not for human consumption.

**13779. Adulteration of butter.** U. S. v. 25 Cases \* \* \*. (F. D. C. No. 25368. Sample No. 23006-K)

**LIBEL FILED:** June 15, 1948, Western District of Louisiana.



**ALLEGED SHIPMENT:** On or about May 31, 1948, by the Fort Worth Poultry & Egg Co., from Fort Worth, Tex.

**PRODUCT:** 25 cases, each containing 32 1-pound cartons, of butter in quarter-pound prints at Shreveport, La. Examination showed that the product contained mold.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance.

**DISPOSITION:** July 1, 1948. The Fort Worth Poultry & Egg Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for refining into butter oil, under the supervision of the Federal Security Agency.

**13780. Adulteration of butter. U. S. v. George W. Driver (Bowman Creamery Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 25333. Sample No. 25711-K.)**

**INFORMATION FILED:** November 2, 1948, District of North Dakota, against George W. Driver, trading as the Bowman Creamery Co., Bowman, N. Dak.

**ALLEGED SHIPMENT:** On or about July 23, 1948, from the State of North Dakota into the State of New York.

**LABEL, IN PART:** "Butter Distributed by Hunter, Walton & Co."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** December 3, 1948. A plea of guilty having been entered, the court imposed a fine of \$50.

**13781. Adulteration of butter. U. S. v. Farmers Cooperative Creamery Assn. of Montevideo. Plea of guilty. Fine, \$50. (F. D. C. No. 25282. Sample No. 25402-K.)**

**INFORMATION FILED:** August 5, 1948, District of Minnesota, against Farmers Cooperative Creamery Assn. of Montevideo, Montevideo, Minn.

**ALLEGED SHIPMENT:** On or about May 24, 1948, from the State of Minnesota into the State of New York.

**LABEL, IN PART:** "Butter Distributed by Hunter, Walton & Co., New York, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** September 13, 1948. A plea of guilty having been entered, the defendant was fined \$50.

**13782. Adulteration of butter. U. S. v. Wilder Cooperative Creamery Association. Plea of guilty. Fine, \$100. (F. D. C. No. 25319. Sample No. 25709-K.)**

**INFORMATION FILED:** On or about October 29, 1948, District of Minnesota, against Wilder Cooperative Creamery Association, a corporation, Wilder, Minn.

**ALLEGED SHIPMENT:** On or about July 17, 1948, from the State of Minnesota into the State of Pennsylvania.

**LABEL, IN PART:** "Butter \* \* \* Distributed by C. G. Heyd & Co. Phila., Pa."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** November 22, 1948. A plea of guilty having been entered, the court imposed a fine of \$100.

**13783. Adulteration of butter. U. S. v. 30 Cartons (1,920 pounds) \* \* \*.**  
(F. D. C. No. 22672. Sample No. 73375-H.)

**LIBEL FILED:** February 7, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 21, 1947, by the Purity Milk Co., from St. Cloud, Minn.

**PRODUCT:** 30 64-pound cartons of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** July 8, 1947. Meadowlands Creameries, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be rechurned under the supervision of the Food and Drug Administration.

**13784. Adulteration of butter. U. S. v. 8 Cubes (544 pounds) \* \* \*.** (F. D. C. No. 24937. Sample No. 36379-K.)

**LIBEL FILED:** On or about May 24, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about May 17, 1948, by Resser's Creamery, from Albany, Oreg.

**PRODUCT:** 8 68-pound cubes of butter at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** June 2, 1948. Resser's Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Food and Drug Administration.

## CHEESE

**13785. Adulteration and misbranding of creamed cottage cheese. U. S. v. Edelstein Foods, Inc. (Edelstein Dairy Co., Inc.). Plea of guilty. Fine, \$200.**  
(F. D. C. No. 24088. Sample Nos. 64679-H, 87241-H, 87253-H.)

**INFORMATION FILED:** April 13, 1948, District of Vermont, against Edelstein Foods, Inc., trading as Edelstein Dairy Co., Inc., Bellows Falls, Vt.

**ALLEGED SHIPMENT:** On or about July 2, 20, and 24, 1947, from the State of Vermont into the States of New York and Massachusetts.

**LABEL, IN PART:** (Portion) "Tuxedo Brand Pasteurized Popcorn Style Creamed Cottage Cheese." The remainder was unlabeled.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 4 percent by weight of milk fat, and a portion containing more than 80 percent of moisture, had been substituted for creamed cottage cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for creamed cottage cheese since it con-



tained less than 4 percent by weight of milk fat; in addition, a portion of the product contained more than 80 percent of moisture. Further misbranding (1 shipment), Section 403 (g) (2), the product purported and was represented to be creamed cottage cheese, and its label failed to bear the name of the food specified in the definition and standard of identity, i. e., creamed cottage cheese; Section 403 (e) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 30, 1948. A plea of guilty having been entered, a fine of \$200 was imposed.

**13786. Adulteration of cheese. U. S. v. 40 Cartons \* \* \*. (F. D. C. No. 25169. Sample No. 23304-K.)**

**LIBEL FILED:** July 16, 1948, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about July 24, 1947, from Cumberland, Wis.

**PRODUCT:** 40 cartons, each containing 2 22-pound daisies, of cheese at Houston, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold. (The article was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** August 31, 1948. Default decree of condemnation. The product was ordered delivered to public institutions, for use as animal feed.

**13787. Adulteration of Cheddar cheese. U. S. v. 98 Boxes \* \* \*. (F. D. C. No. 23352. Sample Nos. 17099-H, 17100-H.)**

**LIBEL FILED:** July 10, 1947, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 26, 1947, by Supreme Dairy Products Co., Macomb, Ill.

**PRODUCT:** 98 70-pound Cheddars and 32 boxes, each box containing 4 12-pound longhorns, of Cheddar cheese at Curwensville, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of manure, insect fragments, and feather fragments, and by reason of the use of filthy milk in its preparation.

**DISPOSITION:** March 12, 1948: The sole intervener having withdrawn his answer, judgment of condemnation was entered and the product was ordered destroyed.

**13788. Adulteration and misbranding of Cheddar cheese. U. S. v. 1,154 Cheeses. (F. D. C. No. 25422. Sample Nos. 9307-K, 9308-K.)**

**LIBEL FILED:** August 31, 1948, Northern District of New York.

**ALLEGED SHIPMENT:** On or about July 17 and 23, 1948, by the C. Economou Cheese Corp., from Hinesburg, Vt.

**PRODUCT:** 1,154 Cheddar cheeses, each weighing approximately 40 pounds, at Heuvelton, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing excessive moisture and deficient in milk fat had been substituted in whole or in part for Cheddar cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Cheddar cheese since it contained more moisture and its solids contained less milk fat than provided by the regulations.

DISPOSITION: January 7, 1949. The C. Economou Cheese Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered ordering the product released under bond to be reworked and reprocessed under the supervision of the Food and Drug Administration.

13789. Adulteration of feta cheese. U. S. v. 146 Cases (and 3 other seizure actions). (F. D. C. Nos. 18640, 18642, 18643, 18687. Sample Nos. 8071-H to 8073-H, incl., 8329-H, 8330-H.)

LIBELS FILED: On December 12, 13, and 19, 1945, Eastern and Southern Districts of New York.

ALLEGED SHIPMENT: On or about October 2 and November 6, 19, and 21, 1945, by C. Economou, from Hinesburg, Vt.

PRODUCT: Feta cheese. 146 unlabeled kegs and 365 kegs, each containing approximately 150 pounds, at Brooklyn, N. Y.; and 25 unlabeled kegs and 1,094 cartons, each carton containing 12 16-ounce jars, at New York, N. Y.

LABEL, IN PART: (Jars) "Greek Feta Cheese Imported type Pan Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, and nondescript dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On June 26, 1946, Christ Staikos, claimant, agent for the owner, C. Economou, petitioned for the entry of an order removing the proceeding instituted at Brooklyn to the Southern District of New York, and for consolidation with the proceedings instituted in that district. On July 1, 1946, the petition was granted.

On May 19 and August 11, 1947, the claimant having withdrawn his claim for the New York lots, the court ordered the lots condemned and delivered to a Federal institution, for use as stock feed. On or about October 6, 1947, counsel for the claimant filed a motion for the entry of a decree of condemnation, containing a provision for release for export of the goods seized at Brooklyn. The Government opposed such disposition of the product, and the motion was subsequently withdrawn. On February 10, 1948, the cheese seized at Brooklyn was condemned and ordered disposed of for use as salvage fat.

### MISCELLANEOUS DAIRY PRODUCTS

13790. Adulteration of cream. U. S. v. 1 Can \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25370, 25374. Sample Nos. 28535-K, 28542-K.)

LIBELS FILED: June 14 and 17, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about June 7, 1948, by Oelke Produce, from Hoxie, Kans., and on or about June 12, 1948, by Lew Waldman, from Grinnell, Kans.

PRODUCT: 2 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, and putrid animal substance by reason of the presence of excessive nondescript dirt, a beetle, and an insect leg in the cream shipped from Hoxie, Kans., and excessive nondescript dirt,



a whole, partially decomposed mouse, and rodent hairs in the cream shipped from Grinnell, Kans.

DISPOSITION: July 19 and 28, 1948. Default decrees of condemnation and destruction.

13791. Adulteration of cream. U. S. v. 2 Cans \* \* \*. (F. D. C. No. 25372. Sample No. 28552-K.)

LIBEL FILED: June 28, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about June 23, 1948, by Clyde Adams, from St. Francis, Kans.

PRODUCT: 2 10-gallon cans of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of excessive nondescript dirt, insect mandibles, moth scales, rodent hairs, and feather barbules.

DISPOSITION: August 3, 1948. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

13792. Misbranding of oleomargarine. U. S. v. Gold Leaf Margarine Co., Inc., and Raymond T. Chatham. Pleas of nolo contendere. Fine, \$245. (F. D. C. No. 25285. Sample Nos. 435-K, 437-K, 448-K, 450-K, 453-K, 454-K, 834-K.)

INFORMATION FILED: On or about August 10, 1948, Northern District of Georgia, against Gold Leaf Margarine Co., Inc., Cedartown, Ga., and Raymond T. Chatham, president.

ALLEGED SHIPMENT: On or about January 22, February 4, 8, 19, and 23, and March 8, 1948, from the State of Georgia into the States of North Carolina and Florida.

LABEL, IN PART: (Cartons) "Gold Leaf \* \* \* Oleomargarine One Pound Net."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oleomargarine since the fat content was less than 80 percent.

Further misbranding, Section 403 (e) (2), a portion of the product failed to bear a label containing an accurate statement of the quantity of the contents. The cartons bore the statement "One Pound Net" or "One Pound Net Weight," whereas they contained less than one pound net.

DISPOSITION: November 15, 1948. Pleas of nolo contendere having been entered, the defendants jointly were fined \$245.

## FISH AND SHELLFISH

13793. Adulteration of frozen halibut. U. S. v. 3,595 Pounds \* \* \*. (F. D. C. No. 25484. Sample No. 8734-K.)

LIBEL FILED: August 23, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about July 2, 1948, by Fisherman's Cooperative Federation, from Prince Rupert, British Columbia, Canada.

PRODUCT: 3,595 pounds of frozen halibut at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** September 14, 1948. Default decree of condemnation and destruction.

**13794. Adulteration and misbranding of canned mackerel. U. S. v. 100 Cases \* \* \*. (F. D. C. No. 25274. Sample No. 23543-K.)**

**LIBEL FILED:** August 13, 1948, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about December 17, 1947, by the French Sardine Co., from Terminal Island, Calif.

**PRODUCT:** 100 cases, each containing 48 15-ounce cans, of mackerel at New Orleans, La.

**LABEL, IN PART:** "Eatwell Brand California Mackerel."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), horse (Jack) mackerel had been substituted for Pacific (California) mackerel.

Misbranding, Section 403 (a), the label statement "California Mackerel" was false and misleading.

**DISPOSITION:** September 2, 1948. Bernard Oppenheimer, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration.

**13795. Adulteration of canned salmon. U. S. v. 158 Cases \* \* \*. (F. D. C. No. 25194. Sample No. 93640-H.)**

**LIBEL FILED:** July 23, 1948, District of Colorado; amended libel filed August 10, 1948.

**ALLEGED SHIPMENT:** On or about December 15, 1947, by McGovern & McGovern, from Seattle, Wash.

**PRODUCT:** Salmon. 158 cases, each containing 48 cans, and 85 cases, each containing 24 cans, at Denver, Colo.

**LABEL, IN PART:** "Sea Beauty Brand Reprocessed Alaska Red Salmon."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** August 31, 1948. Alexander Gow, Inc., Trustee, Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation, reprocessing, repacking, and relabeling, under the supervision of the Food and Drug Administration. Of the 225 cases and 22 cans seized, 178 cases and 25 cans were segregated as passable and the remainder were destroyed.

**13796. Adulteration of whitefish. U. S. v. 4 Boxes \* \* \*. (F. D. C. No. 25398. Sample No. 24629-K.)**

**LIBEL FILED:** August 18, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about August 13, 1948, by D. J. McCarthy, from Ranier, Minn.

**PRODUCT:** Whitefish. 4 boxes containing a total of 231 pounds at Los Angeles, Calif.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** September 14, 1948. Default decree of condemnation. The product was ordered delivered to a State agency, for use as fish food.

**13797. Adulteration of crab meat. U. S. v. Sound Packing Co. and Wilson F. Whorton. Pleas of nolo contendere. Each defendant fined \$50. (F. D. C. No. 25301. Sample No. 3678-K.)**

**INFORMATION FILED:** On or about September 16, 1948. Eastern District of North Carolina, against the Sound Packing Co., a partnership, Whortonsville, N. C., and Wilson F. Whorton, a partner.

**ALLEGED SHIPMENT:** On or about June 24, 1948, from the State of North Carolina into the State of Maryland.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, as evidenced by the presence of fecal *Escherichia coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 11, 1948. Pleas of nolo contendere having been entered, each defendant was fined \$50.

**13798. Adulteration of crab meat. U. S. v. 1 Barrel, etc. (F. D. C. No. 24934. Sample No. 3674-K.)**

**LIBEL FILED:** June 28, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about June 23, 1948, by the Garland F. Fulcher Seafood Co., from Oriental, N. C.

**PRODUCT:** 2 barrels containing a total of 178 1-pound cans of crab meat at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy animal substance (examination showed the product was contaminated with *E. coli* of fecal origin); and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 30, 1948. Default decree of condemnation and destruction.

**13799. Adulteration of frozen crab meat. U. S. v. 133 Cans \* \* \*. (F. D. C. No. 25488. Sample No. 8732-K.)**

**LIBEL FILED:** August 24, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about June 20 and 22, 1948, from Seaford, Va.

**PRODUCT:** 133 1-pound cans of crab meat at New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed crab meat. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** September 14, 1948. Default decree of condemnation and destruction.

**FRUITS AND VEGETABLES****CANNED FRUIT**

**13800. Adulteration of canned apples. U. S. v. 247 Cases \* \* \*. (F. D. C. No. 25165. Sample No. 477-K.)**

**LIBEL FILED:** August 5, 1948, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about January 15, 1947, from Winchester, Va.

**PRODUCT:** 247 cases, each containing 6 7-pound cans, of apples at Charlotte, N. C.

**NATURE OF CHARGE:** The product was adulterated while held for sale after shipment in interstate commerce in violation of Section 402 (a) (3), in that it consisted in whole or in part of a decomposed substance. (Examination showed that the product was undergoing chemical decomposition.)

**DISPOSITION:** September 13, 1948. Select Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. Of the 243 cases actually seized, 130 cases were segregated and destroyed.

**13801. Misbranding of canned blackberries. U. S. v. 12 Cases \* \* \*. (F. D. C. No. 25411. Sample No. 23255-K.)**

**LIBEL FILED:** August 27, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about July 29, 1948, by the Star Canning Co., from Lindale, Tex.

**PRODUCT:** 12 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Lake Charles, La.

**LABEL, IN PART:** "Famous Star Brand Blackberries"; (additional labeling, portion of cans) "Water Packed."

**NATURE OF CHARGE:** Misbranding, Section 403 (i) (2), the production was fabricated from two or more ingredients and the label failed to bear the common or usual name of each such ingredient since water was not declared; and, Section 403 (f), the statement "Water Packed" on a portion of the cans was not prominently displayed thereon (as compared with other words, statements, and designs in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** December 7, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**13802. Misbranding of canned cherries. U. S. v. 30 Cases \* \* \*. (F. D. C. No. 24974. Sample No. 32268-K.)**

**LIBEL FILED:** June 29, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about March 25, 1948, by Wenatchee Food, from Wenatchee, Wash.

**PRODUCT:** 30 cases, each containing 24 1-pound, 13-ounce cans, of cherries at San Francisco, Calif.

**LABEL, IN PART:** "Dawn Hour Brand Dark Sweet Cherries in extra heavy syrup \* \* \* Packed by D and D Foods Co., Wenatchee, Wash."



**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned sweet cherries, a food for which a definition and standard of identity has been prescribed by regulations; and its label failed to bear, as required by such regulations, the name of the optional packing medium present in the article. Its label bore the statement "in extra heavy syrup," whereas it was packed in sirup designated as "heavy sirup" in such standard.

**DISPOSITION:** November 8, 1948. The D & D Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

**13803. Adulteration of canned peaches. U. S. v. 265 Cases \* \* \*. (F. D. C. No. 24897. Sample No. 12728-K.)**

**LIBEL FILED:** June 17, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 2, November 14, and December 24, 1946, from Yuba City, Calif., by the Sunset Fruit Co.

**PRODUCT:** 265 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Philadelphia, Pa.

**LABEL, IN PART:** "Good Treat Yellow Cling Peaches."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its phenolic taste, rendering it unpalatable.

**DISPOSITION:** October 26, 1948. Default decree of condemnation and destruction.

**13804. Misbranding of canned peaches. U. S. v. 37 Cases \* \* \*. (F. D. C. No. 24982. Sample No. 36265-K.)**

**LIBEL FILED:** On or about July 1, 1948, District of Montana.

**ALLEGED SHIPMENT:** On or about May 10, 1948, by the Royal Canning Corp., from Ogden, Utah.

**PRODUCT:** 37 cases, each containing 48 1-pound cans, of peaches at Great Falls, Mont.

**LABEL, IN PART:** "Royal Brand Utah Yellow Freestone Elberta Peaches Peeled Halves."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard in quality. The peach units were not untrimmed, or so trimmed as to preserve normal shape, and the label failed to indicate that the article was below standard.

**DISPOSITION:** September 22, 1948. Default decree of condemnation. The product was ordered delivered to a public institution.

**13805. Misbranding of canned fruit cocktail. U. S. v. 196 Cases \* \* \*. (F. D. C. No. 24766. Sample No. 32245-K.)**

**LIBEL FILED:** May 12, 1948, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about March 24, 1948, by Tiedemann & McMorran, from Oakland, Calif.

**PRODUCT:** 196 cases, each containing 6 6-pound, 12-ounce cans, of fruit cocktail at Little Rock, Ark.

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product fell below the standard for canned fruit cocktail since it contained in the mixture of drained

fruit more than 50 percent by weight of diced peaches, the maximum amount of diced peaches permitted by the standard, and contained less than 6 percent by weight of whole grapes, less than 6 percent by weight of pineapple sectors, and less than 2 percent by weight of cherry halves, the minimum percentages of whole grapes, pineapple sectors, and cherry halves required by the standard.

**DISPOSITION:** December 13, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

### DRIED FRUIT

**13806. Adulteration of dried apples. U. S. v. 1,249 Boxes \* \* \*. (F. D. C. No. 24955. Sample No. 6454-K.)**

**LIBEL FILED:** June 17, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about April 20, 1948, by Joe Valentine & Sons, from Watsonville, Calif.

**PRODUCT:** 1,249 50-pound boxes of dried apples at Hilton, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of larvae, insect excreta, rodent excreta, and moldy apple pieces.

**DISPOSITION:** November 15, 1948. Default decree of condemnation and destruction.

**13807. Adulteration of dried apricots. U. S. v. Rosenberg Bros. & Co. Plea of nolo contendere to count 1 and not guilty to count 2. Fine of \$500 on count 1; count 2 dismissed. (F. D. C. No. 25293. Sample Nos. 831-K, 33267-K, 37319-K.)**

**INFORMATION FILED:** September 13, 1948, Southern District of California, against Rosenberg Bros. & Co., a corporation, Fresno, Calif.

**ALLEGED SHIPMENT:** On or about October 29 and November 22, 1947, from the State of California into the States of Florida and Washington.

**LABEL, IN PART:** "True-Ripe Brand Dried Apricots Packed by Rosenberg Bros. & Co." or "Stadium Brand California Dried Apricots Distributed by Pacific Sales Co. Tacoma, Wash."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect-infested and dirty apricots.

**DISPOSITION:** October 18, 1948. A plea of nolo contendere having been entered to count 1 and a plea of not guilty to count 2, the court imposed a fine of \$500 on the first count and dismissed the second count.

**13808. Adulteration of dried apricots. U. S. v. Vagim Packing Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 24834. Sample No. 20884-K.)**

**INFORMATION FILED:** July 28, 1948, Southern District of California, against the Vagim Packing Co., a corporation, Fresno, Calif.

**ALLEGED SHIPMENT:** On or about November 10, 1947, from the State of California into the State of Missouri.

**LABEL, IN PART:** "Home Pak Brand Slab California Apricots Packed By Fresno Home Packing Co. Fresno, Cal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect-infested and dirty apricots.



**DISPOSITION:** October 19, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

**13809. Adulteration of dried apricots. U. S. v. 5 Boxes, etc.** (F. D. C. No. 25433. Sample Nos. 45426-K, 45427-K.)

**LIBEL FILED:** August 31, 1948, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about September 17, 1946, from Santa Clara, Calif.

**PRODUCT:** 23 30-pound boxes of dried apricots at Clinton, Iowa., in possession of the Lagomarcino-Grupe Co., Clinton, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of larvae, weevils, and moldy apricots; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** November 4, 1948. Default decree of condemnation and destruction.

**13810. Adulteration of dates. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 25266. Sample No. 33050-K.)**

**LIBEL FILED:** August 13, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about July 2, 1948, by V. C. Arguimbau & Co., Inc., from New York, N. Y.

**PRODUCT:** 10 70-pound cases of dates at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects and mold.

**DISPOSITION:** September 30, 1948. Default decree of condemnation and destruction.

**13811. Adulteration of figs. U. S. v. 54 Cases, etc.** (F. D. C. No. 24305. Sample No. 9253-K.)

**LIBEL FILED:** January 23, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 8, 1947, by the Roeding Fig Co., from Fresno, Calif.

**PRODUCT:** 234 25-pound cases of figs at New York, N. Y.

**LABEL, IN PART:** "Big Alpha Brand Fancy Calimyrna Figs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested figs, and of a decomposed substance by reason of the presence of sour and moldy figs.

**DISPOSITION:** August 25, 1948. The Roeding Fig Co. having appeared as claimant but having failed to file an answer to the libel, judgment of condemnation was entered and the product was ordered destroyed.

**13812. Adulteration of figs. U. S. v. 26 Cases \* \* \*. (F. D. C. No. 25218. Sample No. 19922-K.)**

**LIBEL FILED:** July 27, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about January 4, 1944, from Merced, Calif.

**PRODUCT:** 26 25-pound cases of figs at Canton, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of fermented and moldy figs. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** September 14, 1948. Default decree of condemnation and destruction.

**13813. Adulteration of prunes. U. S. v. 83 Boxes \* \* \*. (F. D. C. No. 25228. Sample No. 2485-K.)**

**LIBEL FILED:** July 30, 1948, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about January 15 and December 28, 1946, from Oakland and San Jose, Calif.

**PRODUCT:** 83 30-pound boxes of prunes at Bluefield, W. Va.

**NATURE OF CHARGE:** The product was adulterated while held for sale after shipment in interstate commerce in violation of Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** August 30, 1948. Default decree of condemnation and destruction.

**13814. Adulteration of prunes. U. S. v. 16 Boxes \* \* \*. (F. D. C. No. 25237. Sample Nos. 25861-K, 25862-K.)**

**LIBEL FILED:** August 24, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 26, 1946, from Mt. Aldiburg, Calif.

**PRODUCT:** 36 boxes, each containing 25 pounds, of prunes at Minneapolis, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** October 13, 1948. Default decree ordering product denatured for use as animal food or destroyed.

**13815. Adulteration of raisins. U. S. v. 35 Cases, etc. (F. D. C. No. 25025. Sample Nos. 19919-K, 19920-K.)**

**LIBEL FILED:** July 12, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 28 and November 13, 1946, from Fresno, Calif.

**PRODUCT:** 135 30-pound cases of raisins at Columbus, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. (The article was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** September 10, 1948. Default decree of destruction.

**13816. Adulteration of raisins. U. S. v. 27 Cases \* \* \*. (F. D. C. No. 25400. Sample No. 19946-K.)**

**LIBEL FILED:** August 23, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about December 7, 1946, from San Francisco, Calif.



**PRODUCT:** 27 cases, each containing 48 15-ounce boxes, of raisins at Washington Court House, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 7, 1948. Default decree of destruction.

#### MISCELLANEOUS FRUIT AND FRUIT PRODUCTS\*

**13817. Adulteration of olives. U. S. v. Vernon R. Smith (V. R. Smith Olive Co.).**  
Plea of nolo contendere. Fine of \$1,000 on count 1; sentence suspended on count 2, and defendant placed on probation for 2 years.  
(F. D. C. No. 25313. Sample Nos. 32224-K, 32225-K.)

**INFORMATION FILED:** November 5, 1948, Southern District of California, against Vernon R. Smith, an individual doing business as the V. R. Smith Olive Co., Lindsay, Calif.

**ALLEGED SHIPMENT:** On or about January 24, 1948, from the State of California into the States of Illinois and Michigan.

**LABEL, IN PART:** "Oil Cured Greek Style Olives."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect parts, rodent hairs, and hairs resembling rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 1, 1948. A plea of nolo contendere having been entered, the defendant was fined \$1,000 on count 1, imposition of sentence was suspended on count 2, and the defendant was placed on probation for 2 years.

**13818. Adulteration of olives. U. S. v. 6 Barrels \* \* \*. (F. D. C. No. 25405.**  
Sample No. 29508-K.)

**LIBEL FILED:** August 24, 1948, District of Utah.

**ALLEGED SHIPMENT:** On or about May 1, 1948, by Brucia & Co., from Woodland, Calif.

**PRODUCT:** 6 100-pound barrels of olives at Salt Lake City, Utah.

**LABEL, IN PART:** "Oil Cured Olives Mt. Lassen Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

**DISPOSITION:** October 8, 1948. Default decree of condemnation and destruction.

**13819. Adulteration of olives. U. S. v. 4 Barrels \* \* \*. (F. D. C. No. 25041.**  
Sample No. 9858-K.)

**LIBEL FILED:** July 13, 1948, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 26, 1948, from San Francisco, Calif.

**PRODUCT:** 4 barrels of olives at Scranton, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

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\*See also Nos. 13701-13703.

(The article was adulterated while held for sale after shipment in interstate commerce.)

DISPOSITION: October 28, 1948. Default decree of condemnation and destruction.

13820. Adulteration of glace fruit. U. S. v. 1 Barrel, etc. (F. D. C. No. 25019. Sample Nos. 26967-K, 26968-K.)

LIBEL FILED: July 8, 1948, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 28 and December 11, 1947, from Rockford, Ill.

PRODUCT: 1 barrel containing 300 pounds of ribbon cut natural melon, and 1 barrel containing 350 pounds of diced citron at St. Louis, Mo. Examination showed that the products were fermenting.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a decomposed substance by reason of their being fermented. (The articles were adulterated while held for sale after shipment in interstate commerce.)

DISPOSITION: August 16, 1948. Default decree of condemnation and destruction.

13821. Adulteration and misbranding of apple-strawberry jelly; adulteration of applesauce, and misbranding of peach preserves. U. S. v. B. Frank Craddock (Craddock Canning & Preserve Co.). Pleas of guilty to certain counts and pleas of nolo contendere to remaining counts. Fine of \$1,500 and costs. (F. D. C. No. 23562. Sample Nos. 35657-H, 40139-H, 40718-H, 41205-H, 41206-H, 53520-H.)

INFORMATION FILED: October 17, 1947, Western District of Kentucky, against B. Frank Craddock, trading as the Craddock Canning & Preserve Co., Paducah, Ky.

ALLEGED VIOLATIONS: On or about July 1, 1946, the defendant gave M. Livingston & Co. a guaranty providing that any product sold to M. Livingston & Co. would be in compliance with the Federal Food, Drug, and Cosmetic Act. During the month of July 1946, the defendant sold and delivered a quantity of apple-strawberry jelly to M. Livingston & Co., at Paducah, Ky. The jelly so delivered under the guaranty was adulterated and misbranded. On or about August 6, 1946, M. Livingston & Co. shipped the jelly into the State of Illinois.

In addition, it was charged that on or about August 24, October 17, and November 7 and 20, 1946, the defendant shipped quantities of apple-strawberry jelly, peach preserves, and canned applesauce from the State of Kentucky into the States of Arkansas and Tennessee.

LABEL, IN PART: "Craddock Brand Pure Apple-Strawberry Jelly [or "Pure Peach Preserves Contents 1 lb. 10 oz.]" or "Tip-Top Brand Apple Sauce."

NATURE OF CHARGE: Apple-strawberry jelly. Adulteration, Section 402 (b) (1), valuable constituents, apple juice and strawberry juice, had been omitted. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple-strawberry jelly since it was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredients, apple juice and strawberry juice, to each 55 parts by weight of one of the saccharine ingredients; and in addition it contained a color, amaranth, and one lot contained artificial strawberry flavor, which are not permitted as optional ingredients of apple-strawberry jelly.



**Applesauce.** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of rotten apple material.

**Peach preserves.** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled 1 pound, 10 ounces.)

**DISPOSITION:** April 20, 1948. A plea of guilty having been entered to the first seven counts of the information and a plea of nolo contendere having been entered to counts 8, 9, and 10, involving one lot of the apple-strawberry jelly which was adulterated and misbranded and one lot of the peach preserves which was misbranded, the court imposed a fine of \$500 on count 1, \$200 on count 2, and \$100 on each of the remaining counts, making a total fine of \$1,500, plus costs.

**13822. Adulteration of pineapple jelly. U. S. v. 15 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 25033, 25207. Sample Nos. 44060-K, 44081-K.)

**LIBELS FILED:** July 12 and 27, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 10, 1947, from Palm Beach, Fla.

**PRODUCT:** 22 cases, each containing 24 1-pound jars, of pineapple jelly at Cincinnati, Ohio.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it was unfit for food by reason of the presence of large sugar crystals.

**DISPOSITION:** September 3 and 10, 1948. Default decrees of condemnation and destruction.

**13823. Adulteration and misbranding of imitation raspberry preserves. U. S. v. 27 Tins \* \* \*. (F. D. C. No. 25216. Sample No. 7238-K.)**

**LIBEL FILED:** July 26, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about March 1 and April 27, 1947, by the Daniels Food Products Co., from Chicago, Ill.

**PRODUCT:** 27 unlabeled second-hand tins, each containing approximately 30 pounds, of imitation raspberry preserves at Youngstown, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. (The product was adulterated while held for sale after shipment in interstate commerce.)

Misbranding, Sections 403 (e) (1) and (2), the product was in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (1), its label failed to bear the common or usual name of the food; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each active ingredient.

**DISPOSITION:** September 14, 1948. Default decree of condemnation and destruction.

#### VEGETABLES AND VEGETABLE PRODUCTS

**13824. Adulteration of frozen asparagus. U. S. v. 129 Cases \* \* \*. (F. D. C. No. 25265. Sample Nos. 43124-K, 43125-K.)**



**LIBEL FILED:** September 13, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about June 21, 1948, by the Pennsylvania Frosted Foods Co., from Southampton, Pa.

**PRODUCT:** 129 cases, each containing 24 12-ounce packages, of frozen asparagus at Chicago, Ill.

**LABEL, IN PART:** "Libby's Frozen Fresh All Green Asparagus Spears."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** October 5, 1948. Default decree of condemnation and destruction.

**13825. Adulteration of frozen asparagus. U. S. v. 26 Cases, etc. (F. D. C. No. 25143. Sample Nos. 5125-K, 5126-K.)**

**LIBEL FILED:** July 28, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about May 24, 1948, by the Pennsylvania Frosted Foods Co., from New York, N. Y.

**PRODUCT:** 39 cases, each containing 20 2-pound, 8-ounce packages, of frozen asparagus at Quincy, Mass.

**LABEL, IN PART:** "Penn Pact Asparagus [or "Jumbo Asparagus"] Spears."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** September 22, 1948. Default decree of condemnation and destruction.

**13826. Adulteration of frozen lima beans. U. S. v. 1,950 Cases \* \* \*. Government's motion to strike and to dismiss intervening petition of third party overruled. Fit portion of product ordered released; remainder condemned and ordered destroyed. (F. D. C. No. 24631. Sample No. 43416-K.)**

**LIBEL FILED:** On or about May 18, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 26, 1948, by Ventura Farms Frozen Foods, Inc., from Oxnard, Calif.

**PRODUCT:** 1,950 cases, each containing 36 12-ounce packages, of frozen lima beans at Chicago, Ill.

**LABEL, IN PART:** "Ventura Farms Brand Fordhook Lima Beans."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), the product was unfit for food by reason of its disagreeable odor and flavor, rendering it unpalatable.

**DISPOSITION:** June 7, 1948. Ventura Farms Frozen Foods, Inc., filed an answer, not as owner but as the packer and shipper of the product, alleging that the owner was the Lakeside Fish and Oyster Co., and denying that the product was adulterated at the time it was packed and shipped. On June 10, 1948, the Lakeside Fish & Oyster Co. filed an intervening petition, alleging that it was the buyer and had an interest in the product not as owner but as the holder of a vendee's lien arising out of the rescinded contract of sale. The petitioner alleged that it had a cause of action against the seller for breach of warranty and prayed for judgment and attachment of the product, subject to the rights and claims of the United States of America.

On June 22, 1948, the Government's motion to strike and to dismiss the intervening petition was overruled in the following order of the court:



BARNES, *District Judge*: "This cause coming on to be heard upon the Motion of the United States of America to Strike the Intervening Petition of Lakeside Fish & Oyster Co., a corporation, filed herein by leave of court on June 10, 1948, and upon the special appearance and Motion of Ventura Farms Frozen Foods, Inc. to Dismiss said Intervening Petition of Lakeside Fish & Oyster Co., a corporation; and it appearing that the Motion to Strike of the United States of America is based upon the grounds that this Court lacks jurisdiction over the parties and the cause of action described in said Intervening Petition, and that the action of the United States of America is one in rem, and that the only jurisdiction this Court has over the parties hereto is with reference to the right of the Government to seize the article which is the subject matter of the libel suit, and that the order permitting Lakeside Fish & Oyster Co. to intervene and to file its Intervening Petition was erroneous; and that the Motion to Dismiss of Ventura Farms Frozen Foods, Inc., said Intervening Petition of Lakeside Fish & Oyster Co. is filed for the purpose of contesting the jurisdiction of this Court to hear and determine the matters and things set forth in the Intervening Petition of Lakeside Fish & Oyster Co. and its jurisdiction to enter any judgment in personam against Ventura Farms Frozen Foods, Inc., and said Motion to Dismiss is based upon the grounds that this Court has no jurisdiction of the matters and things set forth in said Intervening Petition, and no jurisdiction of the person of Ventura Farms Frozen Foods, Inc. to hear and determine, with respect to Ventura Farms Frozen Foods, Inc., the matters and things set forth and the relief prayed for in said Intervening Petition;

"And the Court having heard the arguments of counsel and being fully advised in the premises, FINDS that:

"1. The order of this Court entered June 10, 1948, permitting Lakeside Fish & Oyster Co., a corporation, to intervene and to file its Intervening Petition was proper, and said Lakeside Fish & Oyster Co. is properly before this Court upon its said Intervening Petition.

"2. This Court has jurisdiction of the subject matter of said Intervening Petition of Lakeside Fish & Oyster Co. and of the matters and things set forth in said Intervening Petition.

"3. That this Court has jurisdiction over the person of Ventura Farms Frozen Foods, Inc. and jurisdiction to hear and determine the matters and things set forth and remedies prayed for in said Intervening Petition as respects Ventura Farms Frozen Foods, Inc., including jurisdiction to enter a judgment in personam against Ventura Farms Frozen Foods, Inc.

"IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED THAT:

"A. The motion of the United States of America to strike said Intervening Petition of Lakeside Fish & Oyster Co., and the motion of Ventura Farms Frozen Foods, Inc. to dismiss said intervening Petition be and the same are hereby overruled and denied.

"B. The United States of America and Ventura Farms Frozen Foods, Inc. shall answer said Intervening Petition of Lakeside Fish & Oyster Co., a corporation, within fifteen (15) days from this date."

Subsequently, the Ventura Farms Frozen Foods, Inc., filed a request for admission of certain facts, to which the Government filed its answer and objections. In its answer the Government stated that it did not at the time claim that any of the article was adulterated, with the exception of a portion, consisting of 93 cases, which was identified by a certain code. On October 5, 1948, both interveners consenting, and the intervening petition and cross-claim of the Lakeside Fish and Oyster Co. having been dismissed with prejudice on stipulation of the interveners, judgment was entered ordering the 1,851 cases of the product which the Government did not claim to be adulterated, to be released to the Lakeside Fish & Oyster Co. The remaining 93 cases were condemned and ordered released under bond to the Lakeside Fish & Oyster Co., to be denatured or destroyed under the supervision of the Food and Drug Administration.

13827. Adulteration of dried lima beans. U. S. v. 16 Bags \* \* \*. (F. D. C. No. 25483. Sample No. 31264-K.)

LIBEL FILED: August 24, 1948, District of Arizona.



**ALLEGED SHIPMENT:** On or about August 3, 1948, by Hamilton & Co., from Los Angeles, Calif.

**PRODUCT:** 16 100-pound bags of lima beans at Phoenix, Ariz.

**LABEL, IN PART:** (Bag) "Black Stripe California Lima Bean."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** November 19, 1948. Default decree of condemnation and destruction.

**13828. Adulteration of Mexican style beans. U. S. v. 3,905 Cases \* \* \*.**  
Product ordered condemned and released for export. Government's objection to export overruled. Product ultimately delivered to charitable institutions. (F. D. C. No. 23762. Sample No. 20904-K.)

**LIBEL FILED:** September 18, 1947, District of Kansas.

**ALLEGED SHIPMENT:** On or about February 14, 1947, by Stokely-Van Camp, Inc., from Indianapolis, Ind.

**PRODUCT:** 3,005 cases, each containing 24 1-pound, 4-ounce cans, of Mexican style beans at Salina, Kans.

**LABEL, IN PART:** "Van Camp's Mexican Style Beans in Chili Gravy."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the product contained burrs, an added deleterious substance, which may have rendered the product injurious to health.

**DISPOSITION:** November 10, 1947. Stokely-Van Camp, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be exported to Belgium. The Government objected to this disposition of the seized goods on the ground that to release the goods for export would not bring the article into compliance with the provisions of the law, which objection the court overruled. On January 13, 1948, on motion of the claimant, an amended decree was entered, permitting export of the product to Italy. On February 25, 1948, the Government moved to set aside the provisions of the decree, permitting the shipment of the product to foreign countries, and for the entry of an order of destruction on the grounds that the product was not safe for human consumption, which motion on that date was overruled. On November 18, 1948, on motion of the claimant, an order was entered directing the marshal to repossess the goods. The court made its finding that the product was edible food and ordered it delivered to charitable and public institutions.

**13829. Adulteration of canned beets. U. S. v. 300 Cases \* \* \*. (F. D. C. No. 25027. Sample No. 30415-K.)**

**LIBEL FILED:** July 9, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about February 28, 1946, from Benton Harbor, Mich.

**PRODUCT:** 300 cases of canned beets at San Diego, Calif.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a decomposed substance.

**DISPOSITION:** August 26, 1948. Default decree of condemnation and destruction.

**13830. Adulteration of canned corn. U. S. v. 164 Cases \* \* \*. (F. D. C. No. 25188. Sample No. 3340-K.)**



**LIBEL FILED:** July 22, 1948, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 13, 1947, by Thomas & Co., from Adamstown, Md.

**PRODUCT:** 164 cases, each containing 24 cans, of corn at Gettysburg, Pa.

**LABEL, IN PART:** "Thomas Brand Golden Sweet Corn Cream Style Contents 1 Lb. 4 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms.

**DISPOSITION:** September 21, 1948. Default decree of condemnation and destruction.

**13831. Adulteration of canned field peas. U. S. v. 152 Cases \* \* \* (and 12 other seizure actions).** (F. D. C. Nos. 23527, 23555, 23556, 23635, 23695, 23721 to 23724, incl., 23728, 24647, 24714, 24732. Sample Nos. 55513-H, 55521-H, 55525-H, 55526-H, 55538-H to 55540-H, incl., 55542-H, 103-K, 246-K to 249-K, incl., 405-K, 463-K, 23198-K.)

**LIBELS FILED:** Between July 28, 1947, and May 25, 1948, Western and Middle Districts of North Carolina, Northern District of Florida, Middle District of Alabama, and Western District of South Carolina.

**ALLEGED SHIPMENT:** Between July 17, 1946, and February 12, 1948, by the Georgia Canning Co., from Wayside, Ga.

**PRODUCT:** 1,800 cases, each containing 24 1-pound, 3-ounce cans, of field peas (in various lots) at Gastonia, Lexington, Asheboro, Winston-Salem, and Greensboro, N. C., Quincy, Fla., and Spartanburg and Greenville, S. C.

**LABEL, IN PART:** "Shaver's Brand Young Tender Field Peas [or "Dried Soaked Field Peas"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insects, insect parts, and flies.

**DISPOSITION:** Between August 20, 1947, and June 17, 1948. Default decrees of condemnation. The product was ordered delivered to public and charitable institutions, for use as hog feed.

**13832. Adulteration and misbranding of canned field peas with snaps. U. S. v. 1,997 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 23653, 23672. Sample Nos. 55347-H, 55350-H.)

**LIBELS FILED:** On or about September 2 and 5, 1947, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about July 23 and 28, 1947, by the Georgia Canning Co., from Wayside, Ga.

**PRODUCT:** Canned field peas with snaps. 2,529 cases at Jacksonville, Fla., each case containing 24 1-pound, 3-ounce cans.

**LABEL, IN PART:** "Shaver's Brand Young Tender Field Peas with Snaps."

**NATURE OF CHARGE:** 1,997 cases. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance (examination showed that the product was undergoing decomposition). Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned field peas with snaps, since it had not been so processed by heat as to prevent spoilage.

532 cases. Adulteration, Section 402 (b) (2), mature peas containing no snaps had been substituted in whole or in part for tender young field peas with snaps, which the article was represented to be. Misbranding, Section 403 (a), the statements "Young Tender Field Peas with Snaps \* \* \* Contents of this can are young tender peas and not to be confused with soaked dried peas," appearing on the can labels, were false and misleading since the product consisted of mature field peas and contained no snaps; and, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned field peas with snaps since the vegetable ingredient was not obtained by proper preparation from the succulent vegetable, as required by the regulations.

**DISPOSITION:** November 7, 1947. The Georgia Canning Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for salvaging of the fit portion, under the supervision of the Food and Drug Administration. Of the lot that showed decomposition, 1,997 cases were seized; of this lot, 757 cases were salvaged and the rest destroyed. In the other lot, 578 cases were seized, 41 cases destroyed, and the remainder released.

**13833. Adulteration of frozen peas. U. S. v. 197 Cases \* \* \*. (F. D. C. No. 25049. Sample No. 32295-K.)**

**LIBEL FILED:** July 14, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about March 27, 1947, from Freewater, Oreg.

**PRODUCT:** 197 cases, each containing 6 5-pound packages, of frozen peas at Oakland, Calif.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it was unfit for food by reason of its off-flavor and disagreeable taste, rendering it unpalatable.

**DISPOSITION:** September 20, 1948. Default decree of condemnation and destruction.

**13834. Adulteration of pickles. U. S. v. Sidney Sparer (New England Pickle Co.). Plea of nolo contendere. Fine, \$10. (F. D. C. No. 25298. Sample No. 8772-K.)**

**INFORMATION FILED:** September 23, 1948, District of Connecticut, against Sidney Sparer, trading as the New England Pickle Co., Rockville, Conn.

**ALLEGED SHIPMENT:** On or about October 9, 1947, from the State of Connecticut into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed pickles and was otherwise unfit for food by reason of the presence of soft and slimy pickles.

**DISPOSITION:** October 18, 1948. A plea of nolo contendere having been entered, the defendant was fined \$10.

**13835. Misbranding of cucumber pickles. U. S. v. 38 Barrels \* \* \*. (F. D. C. No. 25003. Sample No. 20513-K.)**

**LIBEL FILED:** July 14, 1948, District of Kansas.

**ALLEGED SHIPMENT:** On or about June 10, 1948, by the Atkins Packing Co., from Atkins, Ark.



**PRODUCT:** 38 unlabeled barrels, each containing 50 gallons, of cucumber pickles at Kansas City, Kans. Examination showed that the product consisted of cut sweet pickles in brine with sodium benzoate.

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (i) (1), it failed to bear a label containing the common or usual name of the article; Section 403 (i) (2), it failed to bear a label containing the common or usual name of each ingredient; and, Section 403 (k) it contained a chemical preservative and failed to bear a label stating that fact.

**DISPOSITION:** October 5, 1948. The Goldsmith Pickle Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for proper labeling, under the supervision of the Federal Security Agency.

**13836. Adulteration of potatoes. U. S. v. 51 Bags \* \* \*. (F. D. C. No. 25440. Sample No. 6148-K.)**

**LIBEL FILED:** September 2, 1948, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 11, 1948, by Harold C. Mount, Inc., from Hightstown, N. J.

**PRODUCT:** 51 100-pound bags of potatoes at Indiana, Pa.

**LABEL, IN PART:** "Victory B. M. Brand Potatoes Bennett-Mount Co., Hightstown, N. J."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its musty odor and taste, rendering it unpalatable.

**DISPOSITION:** September 21, 1948. Default decree of condemnation and destruction.

**13837. Adulteration of canned sauerkraut. U. S. v. 58 Cases \* \* \*. (F. D. C. No. 25114. Sample No. 165-K.)**

**LIBEL FILED:** July 27, 1948, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about February 25, 1946, from Mineral Springs, N. C.

**PRODUCT:** 58 cases, each containing 24 1-pound, 12-ounce cans, of sauerkraut at Augusta, Ga.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a decomposed substance.

**DISPOSITION:** August 21, 1948. Default decree of condemnation and destruction.

**13838. Adulteration of canned sauerkraut. U. S. v. 37 Cases \* \* \*. (F. D. C. No. 25455. Sample No. 479-K.)**

**LIBEL FILED:** August 13, 1948, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about August 8, 1946, from Roanoke, Va.

**PRODUCT:** 37 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Asheboro, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 20, 1948. Default decree of condemnation and destruction.

13839. Adulteration of canned mustard greens. U. S. v. 134 Cases \* \* \*  
(and 1 other seizure action). (F. D. C. Nos. 25180, 25212. Sample Nos. 23297-K, 45804-K.)

LIBELS FILED: July 21 and 28, 1948, Western District of Tennessee and Southern District of Texas.

ALLEGED SHIPMENT: On or about May 27 and June 2, 1948, by Thomas & Drake Canning Co., from Haskell, Okla.

PRODUCT: Mustard greens. 134 cases, each containing 6 6-pound, 2-ounce cans, at Memphis, Tenn., and 167 cases, each containing 24 1-pound, 2-ounce cans, at Galveston, Tex.

LABEL, IN PART: "Elm Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids and larvae.

DISPOSITION: September 13 and October 6, 1948. Default decrees of condemnation and destruction.

13840. Adulteration of canned mustard greens. U. S. v. 33 Cases \* \* \*  
(F. D. C. No. 25227. Sample Nos. 28396-K, 28398-K.)

LIBEL FILED: July 29, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about May 22, 1948, by the Pharr Canning Co., from Van Buren, Ark.

PRODUCT: 33 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Denver, Colo.

LABEL, IN PART: "Vita Valley Brand Mustard Greens \* \* \* Packed by Whiteside Cannery, Van Buren, Ark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids and larvae.

DISPOSITION: August 30, 1948. Default decree of condemnation and destruction.

13841. Adulteration of canned turnip greens. U. S. v. 13 Cases \* \* \*  
(F. D. C. No. 25406. Sample No. 22957-K.)

LIBEL FILED: August 24, 1948, Northern District of Alabama.

ALLEGED SHIPMENT: On or about May 24, 1948, by the Allen Canning Co., from Siloam Springs, Ark.

PRODUCT: 13 cases of canned turnip greens at Birmingham, Ala.

LABEL, IN PART: "King of Ozarks Brand Turnip Greens Contents 1 Lb. 2 Ozs. Packed by Robinson Canning Co., Siloam Springs, Ark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids and beetles.

DISPOSITION: September 24, 1948. Default decree of condemnation and destruction.



**TOMATO AND TOMATO PRODUCTS\***

**13842. Misbranding of tomato puree and canned tomatoes. U. S. v. 63 Cases, etc.**  
(F. D. C. No. 25362. Sample Nos. 12565-K to 12567-K, incl.)

**LIBEL FILED:** August 11, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 29, May 16, and June 11, 1948, by Paul Coccia, from Camden, N. J.

**PRODUCT:** 63 cases, each containing 24 1-pound, 4-ounce cans, of tomato puree, and 12 cases, each containing 24 1-pound, 11-ounce cans, and 72 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Philadelphia, Pa.

**LABEL, IN PART:** "Coccia Brand Tomato Puree," "Tomatoes Fort Crawford [or "Prairie City"] Packed by Prairie City Canning Co., Prairie Du Chien, Wis.," or "Alesco Brand Tomatoes \* \* \* Packed for New Jersey Italian Food Products Company Camden, New Jersey."

**NATURE OF CHARGE:** Canned tomatoes. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Tomato puree. Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids. Further misbranding, Section 403 (e) (1), the product failed to bear a label containing the name of the manufacturer, packer, or distributor.

**DISPOSITION:** October 11, 1948. Default decree of condemnation and destruction.

**13843. Adulteration and misbranding of tomato puree. U. S. v. 17 Cases \* \* \*.**  
(F. D. C. No. 25465. Sample No. 9568-K.)

**LIBEL FILED:** August 17, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about June 13, 1948, by the Paul Coccia Cannery, from Camden, N. J.

**PRODUCT:** 17 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Brooklyn, N. Y.

**LABEL, IN PART:** (Can) "Alesco Brand Tomato Puree Net Weight 1 Lb. 12 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as tomato puree, a food for which a definition and standard of identity had been prescribed by regulations, and it failed to conform to such standard since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** October 18, 1948. Default decree of condemnation and destruction.

**13844. Misbranding of tomato puree. U. S. v. Rosario Raspanti. Plea of guilty.**  
Fine, \$500. (F. D. C. No. 25292. Sample Nos. 26785-K, 26786-K.)

**INFORMATION FILED:** September 15, 1948, Southern District of Mississippi, against Rosario Raspanti, at the time of the shipment referred to hereinafter, a partner in the firm of Uddo & Taormina Co., Crystal Springs, Miss.

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\*See also Nos. 13704-13706.

**ALLEGED SHIPMENT:** On or about January 9 and February 2, 1948, from the State of Mississippi into the State of Arkansas.

**LABEL, IN PART:** "Baby Brand Tomato Puree Packed by Uddo Taormina Corp. [or "Packed by Uddo & Taormina Co."]."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree, since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** November 3, 1948. A plea of guilty having been entered, the defendant was fined \$500.

**13845. Misbranding of tomato puree. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 25448. Sample No. 27389-K.)**

**LIBEL FILED:** September 13, 1948, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about July 11, 1948, by the Delta Canning Co., from Raymondville, Tex.

**PRODUCT:** 7 cases, each containing 100 4 $\frac{3}{4}$ -ounce cans, of tomato puree at Little Rock, Ark.

**LABEL, IN PART:** "Frost Brand Tomato Puree Net Weight 4 $\frac{3}{4}$  Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product purported to be and was represented as tomato puree, a food for which a definition and standard of identity had been prescribed by regulations, and it failed to conform to such definition and standard since it contained less than the minimum of 8.37 percent of salt-free tomato solids, as provided by the standard.

**DISPOSITION:** October 27, 1948. Default decree of condemnation. The product was delivered to a public institution.

**13846. Adulteration of tomato paste. U. S. v. 126 Cases \* \* \*. (F. D. C. No 25446. Sample No. 15969-K.)**

**LIBEL FILED:** September 14, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 24, 1946, from Woodland, Calif.

**PRODUCT:** 126 cases, each containing 6 7-pound cans, of tomato paste at Chicago, Ill. Examination showed that the product was undergoing chemical decomposition.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** November 16, 1948. Default decree of condemnation and destruction.

**13847. Adulteration of tomato paste. U. S. v. 29 Cases \* \* \*. (F. D. C. No. 25348. Sample No. 5017-K.)**

**LIBEL FILED:** On or about August 13, 1948, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about November 26, 1946, by the Pacific Grape Products Co., from Empire, Calif.

**PRODUCT:** Tomato paste. 29 cases, each containing 6 6-pound, 15-ounce cans, at Providence, R. I.

**LABEL, IN PART:** "Dainty Pak Brand Tomato Paste."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 26, 1948. Default decree of condemnation and destruction.



**13848. Adulteration of tomato catsup. U. S. v. Fettig Canning Corp. Plea of guilty. Fine, \$500.** (F. D. C. No. 25297. Sample Nos. 14526-K, 15032-K, 15035-K, 19253-K, 24075-K, 24602-K, 24944-K, 25080-K.)

**INFORMATION FILED:** August 25, 1948, Southern District of Indiana, against the Fettig Canning Corp., Elwood, Ind.

**ALLEGED SHIPMENT:** On or about September 10, October 9 and 15, and December 30, 1947, and January 21, 22, and 27, and February 3, 1948, from the State of Indiana into the States of Michigan, Illinois, Wisconsin, and Ohio.

**LABEL, IN PART:** "Mary's Choice [or "Vine-Ripe"] Tomato Catsup Packed by Fettig Canning Corp.," "Schultz's Tomato Catsup \* \* \* Packed for Schultz Brothers Co. Sheboygan, Wis." or "Serv-well \* \* \* Tomato Catsup Packed for Twin City Wholesale Grocer Co. St. Paul, Minn. Fargo, N. D."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** November 5, 1948. A plea of guilty having been entered, the defendant was fined \$500.

**13849. Misbranding of tomato catsup. U. S. v. 33 Cases \* \* \*. (F. D. C. No. 25392. Sample No. 36278-K.)**

**LIBEL FILED:** On or about September 13, 1948, District of Montana.

**ALLEGED SHIPMENT:** On or about February 26, 1948, by the California Packing Corp., Evona, Utah.

**PRODUCT:** 33 cases, each containing 6 7-pound, 12-ounce cans, of tomato catsup at Miles City, Mont.

**LABEL, IN PART:** "Utah's Favorite Brand Tomato Catsup Net Contents 7 Lbs. 12 Ozs., Distributed By Woods Cross Canning Company, Evona, Utah."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled "7 lbs. 12 ozs."

**DISPOSITION:** October 11, 1948. The Woods Cross Canning Co., claimant, having admitted the allegations in the libel, judgment was entered ordering the product released under bond for relabeling, under the supervision of the Food and Drug Administration.

**13850. Misbranding of tomato catsup. U. S. v. 37 Cases \* \* \*. (F. D. C. No. 25031. Sample No. 36267-K.)**

**LIBEL FILED:** On or about July 20, 1948, District of Montana.

**ALLEGED SHIPMENT:** On or about June 16, 1948, from Evona, Utah.

**PRODUCT:** 37 cases, each containing 6 cans, of tomato catsup at Billings, Mont.

**LABEL, IN PART:** "Utah's Favorite Brand Tomato Catsup, Net Contents 7 lbs. 12 ozs. Distributed By Woods Cross Canning Company, Clearfield, Utah."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

**DISPOSITION:** October 11, 1948. The Woods Cross Canning Co., claimant, having admitted the allegations of the libel, judgment was entered providing for the release of the product under bond for relabeling, under the supervision of the Food and Drug Administration.

**NUTS AND NUT PRODUCTS**

**13851. Adulteration of mixed nuts. U. S. v. 68 Bags \* \* \*. (F. D. C. No. 25361. Sample No. 4711-K.)**

**LIBEL FILED:** August 12, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about January 17, 1944, from Fort Knox, Ky.

**PRODUCT:** 68 50-pound bags of mixed nuts at South Boston, Mass., in possession of the Independent Warehouse Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of decomposed nuts; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 5, 1948. Default of condemnation and destruction.

**13852. Adulteration of almonds. U. S. v. 18 Bags \* \* \*. (F. D. C. No. 25241. Sample No. 19932-K.)**

**LIBEL FILED:** August 4, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 14, 1946, from Sacramento, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. (The product was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** October 7, 1948. Default decree of destruction.

**13853. Adulteration of brazil nuts. U. S. v. 49 Bags \* \* \*. (F. D. C. No. 25204. Sample No. 40634-K.)**

**LIBEL FILED:** July 23, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about October 27, 1947, from Los Angeles, Calif.

**PRODUCT:** 49 113-pound bags of brazil nuts, at Tacoma, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and moldy and rancid nuts. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 9, 1948. Default decree of condemnation and destruction.

**13854. Adulteration of cashew nuts. U. S. v. 35 Cases \* \* \*. (F. D. C. No. 25217. Sample No. 33870-K.)**

**LIBEL FILED:** July 26, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 21, 1947, from New York, N. Y.

**PRODUCT:** 35 cases, each containing 2 25-pound cans, of cashew nuts at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 20, 1948. Default decree of condemnation and destruction.



**13855. Adulteration of peanuts. U. S. v. 58 Bags \* \* \*. (F. D. C. No. 25198. Sample No. 23025-K.)**

**LIBEL FILED:** July 26, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about May 15, 1948, from Suffolk, Va.

**PRODUCT:** 58 100-pound bags of peanuts at Shreveport, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. (The article was adulterated while held for sale after shipment in interstate commerce.)

**DISPOSITION:** August 6, 1948. The Pond Bros. Peanut Co., Inc., Suffolk, Va., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reprocessing, redusting, and curing, under the supervision of the Federal Security Agency. The reprocessing operations consisted of shelling the peanuts and sorting the unfit peanuts from the good peanuts. The unfit peanuts were denatured for use as hog feed, and the good peanuts were set aside for conversion into edible oil.

**13856. Adulteration of peanuts. U. S. v. 25 Bags, etc. (F. D. C. No. 25052. Sample Nos. 25512-K, 25513-K.)**

**LIBEL FILED:** July 17, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about January 17, 1948, from Mobridge, S. Dak.

**PRODUCT:** Peanuts. 25 100-pound bags and 25 105-pound bags at St. Cloud, Minn., in possession of the Nash-Finch Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent-gnawed peanuts; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 9, 1948. The Nash-Finch Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. Of the 36 bags seized, 5 100-pound bags and 7 105-pound bags were segregated as unfit and were disposed of for use as hog and cattle feed.

**13857. Adulteration of pecan meats. U. S. v. Alex Pecan Co. Plea of guilty. Fine, \$50. (F. D. C. No. 23601. Sample No. 69749-H.)**

**INFORMATION FILED:** December 15, 1947, Southern District of Georgia, against the Alex Pecan Co., a corporation, Douglas, Ga.

**ALLEGED SHIPMENT:** On or about February 3, 1947, from the State of Georgia into the State of Illinois.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal *E. Coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 14, 1948. A plea of guilty having been entered, the court imposed a fine of \$50.

**13858. Adulteration of pecans. U. S. v. 26 Bags \* \* \*. (F. D. C. No. 25389. Sample No. 15074-K.)**

**LIBEL FILED:** September 13, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 9, 1948, by Bob Randall, Nashville, Tenn.

**PRODUCT:** 26 Bags, containing approximately 2,350 pounds, of pecans at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 18, 1948. Default decree of condemnation and destruction.

**13859. Adulteration of walnut meats. U. S. v. 26 Cases \* \* \*. (F. D. C. No. 25084. Sample No. 9215-K.)**

**LIBEL FILED:** July 13, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about April 22, 1947, from Los Angeles, Calif.

**PRODUCT:** 26 25-pound cases of walnut meats at Maspeth, N. Y.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (2) (3), in that it consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rancid, wormy, and moldy nuts.

**DISPOSITION:** September 28, 1948. Default decree of condemnation and destruction.

**13860. Adulteration and misbranding of peanut butter and adulteration of mustard. U. S. v. Fletcher-Wilson Coffee Co. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 24770. Sample Nos. 637-K, 18712-K to 18714-K, incl.)**

**INFORMATION FILED:** June 16, 1948, Middle District of Tennessee, against the Fletcher-Wilson Coffee Co., a corporation, Nashville, Tenn.

**ALLEGED SHIPMENT:** On or about August 4 and September 24, 1947, from the State of Tennessee into the States of Georgia and Kentucky.

**LABEL, IN PART:** "Justice Prepared Mustard and Mustard Bran" and "Luxury Peanut Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, and rodent excreta fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), a portion of the peanut butter failed to bear a label containing an accurate statement of the quantity of the contents. The label statements "8½ Oz. Net" and "1 Lb. Net," were inaccurate since the jars of the article contained less than those amounts.

**DISPOSITION:** October 6, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$200 on each of the five counts of the information.

**13861. Adulteration of peanut butter. U. S. v. 99 Cases \* \* \*. (F. D. C. No. 25222. Sample No. 23293-K.)**

**LIBEL FILED:** On or about July 27, 1948, Southern District of Texas.



**ALLEGED SHIPMENT:** On or about June 30, 1948, by Reid Murdoch, from Chicago, Ill.

**PRODUCT:** 99 cases, each containing 24 8-ounce jars, of peanut butter at Houston, Tex.

**LABEL, IN PART:** "Monarch Peanut Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 1, 1948. Default decree of condemnation. The product was ordered delivered to public institutions, for use as stock feed.

**13862. Adulteration and misbranding of peanut butter. U. S. v. 20 Cases \* \* \*.**  
(F. D. C. No. 24037. Sample No. 26145-K.)

**LIBEL FILED:** On or about January 7, 1948, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about October 30, 1947, by the Southwestern Nut & Oil Co., from Sand Springs, Okla.

**PRODUCT:** 20 cases, each containing 12 28-ounce jars, of peanut butter at Springfield, Mo.

**LABEL, IN PART:** "Cimarron Homogenized Peanut Butter 28 Oz. Net Wt."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and fragments.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The jars contained less than the labeled 28 ounces net weight.)

**DISPOSITION:** April 5, 1948. Default decree of destruction.

## OILS AND FATS

**13863. Adulteration and alleged misbranding of Pop'n Oil. U. S. v. 36 Drums \* \* \*. Tried to the court. Judgment for claimant; Judgment reversed on appeal. Decree of condemnation. (F. D. C. No. 10813. Sample No. 28049-F.)**

**LIBEL FILED:** On or about September 27, 1943, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about July 3, 1943, by the J. V. Blevins Co., from Nashville, Tenn.

**PRODUCT:** 36 400-pound drums of Pop'n Oil at Atlanta, Ga. Examination showed that the product consisted of mineral oil, artificially flavored, with an imitation butter flavor and artificially colored yellow.

**LABEL, IN PART:** (Stencil on drums) "Pop N Oil Contains Liquid Petrolatum Plastic Butter Flavor Artificial Flavor & Color For Mfg. & Redist. Use Only"; (stick label on drums) "Pop N Oil Liquid Petrolatum, Plastic Butter Flavor (containing butter, esters, lecithin, casein, alcohol, starch) Artificial Flavoring Color Added For Mfg. and Redistribution Use Only."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), mineral oil having no food value had been substituted for the universally recognized components of popcorn dressing or oil, i. e., butter or an edible vegetable oil; Section 402 (b) (3), inferiority had been concealed by the addition of artificial color and flavor; and, Section 402 (b) (4), artificial color and flavor had been added to



the article or mixed or packed with it so as to make it appear better or of greater value than it was, since the artificial butter flavor and color suggested an oil or dressing made from butter.

Misbranding, Section 403 (a), the article was offered for sale under the name of "Oil," the name of another food consisting of melted butter or vegetable oil designed for use as a dressing on popped popcorn.

**DISPOSITION:** The Wil-Kin Theater Supply, Inc., Atlanta, Ga., claimant, having filed an answer denying that the product was adulterated and misbranded, the case came on for hearing before the court. On October 22, 1946, the court handed down findings of fact and conclusions of law for the claimant and ordered the libel dismissed. The judgment of the district court was appealed to the Circuit Court of Appeals for the Fifth Circuit, which, on November 14, 1947, handed down the following opinion reversing the district court and remanding the case, with directions to enter a decree of condemnation against the product:

**HOLMES, Circuit Judge:** "Pursuant to a libel filed by the United States, thirty-six drums of mineral oil, under the trade name of Pop'n-Oil, were seized and held in the custody of the Marshal, pending further orders of the court below respecting the same. The libel of information alleged that said oil was adulterated within the meaning of Section 342 (b) (2), (b) (3), and (b) (4), Title 21, of the United States Code, and that it was also misbranded within the meaning of Section 343 (b) of said code. After a trial upon the merits, the court vacated the seizure, ordered possession of the oil restored to the claimant, and dismissed the libel.

"The court below held that the article seized was not harmful, that the drums were not misbranded, and that, in the absence of any definition or standard of identity prescribed by the Administrator, the true labeling of the article was a compliance with the Act.

"The drums contained 99.3% mineral oil, artificial color and flavoring constituting the other seven-tenths of one per cent. This product was sold, shipped, and intended to be used as food. When popcorn is popped with Pop'n-Oil, the corn absorbs a substantial amount of the oil, so that 100 ounces of prepared popcorn would have in it from six to seven ounces of Pop'n-Oil. From a scientific standpoint, this was a very considerable amount, it being generally recognized that mineral oil has no food value. According to one dealer, who was a witness, the popcorn sold by him contained about 12½% of mineral oil. As to the harmful effects from the use of mineral oil as a food, the expert testimony (developed by questions from the court) is positive and uncontradicted.<sup>1</sup> The product under seizure is a rich yellowish color, and

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<sup>1</sup> "Q. All right, with respect to the question that was put to you about the use of mineral oil as a making of salad dressing, and so forth, can you state whether or not the medical authorities approve the use of mineral oil in salads or anything else, any other—

"A. There is a report in the Journal of the American Medical Association for 1942, by the council on food and nutrition, council of the American Medical Association, in which they give an adverse report on the use of mineral oil in food, mineral oil—I mean salad oils; mayonnaise, and so forth.

"By the Court:

"Q. For what reasons? Do they say why it is?

"A. The reason they give is that mineral oil in the gastro-intestinal tract, in the alimentary tract, absorbs a very large quantity of carotin. Carotin is the chemical substance which the body uses to synthesize vitamin A, which is an essential vitamin. It also interferes to a lesser extent with the absorption of vitamin A itself. It interferes also with the absorption of vitamin D, which is an essential vitamin. It interferes with the absorption of calcium and phosphates which are necessary for bone building, and also it has been found recently in experimental work that it interferes with the absorption of vitamin K, from the gastro-intestinal tract. Vitamin K is important and necessary for normal clotting of blood.

"Q. Do you know whether or not it is the general practice of doctors to prescribe the use of mineral oil in salads where they desire to reduce a person's weight?

"A. It has been done.

"Q. Isn't that rather a general practice?

"A. I think it is quite general. I am not a practicing physician, however, and my opinion would be of a layman.

"Q. Was it in your opinion as a layman or a professional man that you have been discussing about the effect of mineral oil in the system?

"A. That is professional.

"Q. Beg pardon?



resembles the color of melted butter. The types of oil ordinarily used in the popping of corn are cocoanut, cotton-seed, and soybean, but during the war there was a shortage of these oils, and some distributors sold mineral oil for that purpose. Until the shortage of vegetable oils brought on by the war, mineral oil had never been used for popping corn. Mineral oil has no food value whatever, and therefore does not add to the food value of popcorn. A quantity of 6 or 7 per cent of any ingredient added to a food is a considerable rather than an infinitesimal amount. At the close of the Government's case, the claimant rested without adducing any evidence.

"Although the Government has abandoned its charge of misbranding, it has not abandoned any of its charges of adulteration but has concentrated its argument in this court on the following specific questions:

"1. Whether the court erred in concluding that, in the absence of a definition and standard of identity promulgated under 21 U. S. C. 341, the truthful labeling of the article was a compliance with the Act.

"2. Whether the court erred in concluding that the truthful labeling of the article exempted it from the provisions of 21 U. S. C. 342 (b) (3) and (4).

"3. Whether the court erred in failing to find from the uncontroverted evidence that the article was adulterated within the meaning of 21 U. S. C. 342 (b) (3) and (4) when introduced into or while in interstate commerce.

"The relevant statutory provisions are Sections 304 (a), 401, 402 (b) (3), and 402 (b) (4) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 334 (a), 341, 342 (b) (3), and 342 (b) (4)).

"We think the adulteration of the product was not cured by its truthful labeling. Adulteration should not be confused with misbranding. The ultimate consumer of the popcorn probably never sees the labeling. The cartons containing the popcorn, sold in theatre vending machines, do not contain any statement showing that the popcorn dressing consists of 99.3% mineral oil, artificially colored and flavored. We think the Government's evidence sustained its allegations of adulteration under 21 U. S. C. 342 (b) (3) and (4).

"Even in the absence of a reasonable definition and standard of identity, promulgated under 21 U. S. C. 341, truthful labeling does not exempt an article from the provisions of 21 U. S. C. 342 (b) (3) and (4), which provide that a food shall be deemed adulterated if damage or inferiority has been concealed in any manner, and also that a food shall be deemed adulterated if any substance has been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it is.

"In the instant case, mineral oil has been artificially colored and flavored to make it look like butter or vegetable oil. That mineral oil is inferior to melted butter on popcorn is plain. The same is true of cocoanut, soybean, or cotton-seed oil. To conclude that a food for which a standard of identity has not been promulgated is exempt from the economic adulteration provisions of the Act would result in rendering inoperative all of 21 U. S. C. 342 (b). The Administrator is not required to promulgate definitions and standards of identity for foods under any and all conditions. Administrative selectivity in such standardization is a part of his discretion and responsibility. To permit a class of foods not so selected to escape other applicable provisions of the law would create a loophole which the Act sought to avoid.

"The evidence compels the conclusion that the oil sought to be condemned was artificially prepared to appear to be an acceptable popcorn dressing made from vegetable oil having a substantial food value, or from butter. It is a mat-

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"A. That is an opinion as a specialist.

"Q. You consider yourself qualified to give those views and not qualified to give the latter?

"A. I would say that as most individuals become cognizant or aware of things that physicians do, and that is one of them. I know that.

"Q. Why did you testify in one instance as a layman and in another instance as a specialist, that is the only thing I am asking?

"A. I was answering your question, Your Honor, to the effect that I do happen to know from reading and contact, that that is done. Now it is possible that if I had not been interested or were not interested in medical problems in general, I might not notice those things. But I do happen to know that that has been done and is being done."

By the Court:

"Any other questions?"

By Mr. Lockerman:

"Q. Your special field is pharmacology?

"A. My special field is pharmacology.

"Q. Yes, sir. You may come down."



ter of common knowledge, of which the court may take judicial notice, that for use as food melted butter is superior to mineral oil.

"The decree appealed from is reversed, and the cause remanded to the district court with directions to enter a decree of condemnation against the articles seized. **REVERSED.**"

SIBLEY, *Circuit Judge, dissenting*: "Zeal for enforcement, I think, is here outrunning common sense and the true intent of the law. The seizure was made in 1943, in the midst of the late war. Theretofore the dressing for popped corn had been some animal or vegetable oil, such as melted butter, cocoanut oil, soybean oil, cottonseed oil, or Wesson oil. Because of war conditions, cocoanut oil could not be had at all, butter and cottonseed oil, soybean and Wesson oil, which had food value, became scarce and practically unobtainable because of the war demand for foodstuffs. Something else had to be substituted in the popcorn business, carried on at movie theaters and similar places of amusement, where popcorn is eaten in idleness and not for nutriment. Mineral oil, which had long been used in salad dressings in place of olive oil and the like, and is still so used, came into general use for the popcorn dressing. It was colored light yellow, (which is the natural color of most oils and greases unless refined out), and was flavored to give the popcorn some taste. No point whatever is here made against adding the flavor. There is only the charge that a color was added which made it look more like melted butter. There is no evidence as to the color of cocoanut oil, cottonseed oil, soybean or Wesson oil which also it was substituting. There is no evidence that the intent was to make it look like butter, or that any eater of popcorn thought it was butter, or cared. There was no effort at deceit while in interstate commerce, with which alone the federal Act is concerned. The seized drums were frankly labeled; 'Pop N Oil, made from Liquid Petrolatum, Plastic Butter Flavor, Artificial Flavoring. Color Added. Distributed by Wilkin Theater Supply, Inc.' The charge of misbranding is expressly abandoned, as it must be. Only adulteration is claimed. As to that it was on the trial expressly stated by government counsel: 'If your honor please, we don't make any charge in this proceeding that the product is injurious to health or deleterious.' It is true the court pressed questions as to that upon a witness as quoted in Note 1 of the opinion, but on the entire evidence he found that 'the mineral oil was neutral and not harmful.' The evidence is specific that in a nickel package of popcorn, which weighs one ounce, there would be only one-sixteenth of an ounce of dressing, say a half-teaspoonful. That is, by common experience with mineral oil, negligible. The law intends to keep deceitful or injurious mixtures out of interstate commerce, but it does not aim to exclude all mixtures. Where petrolatum is sold as such, frankly stated to be artificially colored and flavored, and is perfectly harmless for the use intended, which is really more for entertainment than for feeding, it seems hypercritical to me at a time when war had forced all manner of substitutions in food, to condemn these drums of fifty gallons each as forfeited by law because of adulteration."

HUTCHESON, *Circuit Judge, Specifically Concurring*: "I agree with my brother Sibley that in this case, 'Zeal for enforcement, I think, is here outrunning common sense and the true intent of the law'. I agree with my brother Sibley, too, that the case does not involve any charge that the product is injurious to health or deleterious. Therefore, it is plain that the opinion adduced by the judge himself and set out in the note to the majority opinion is immaterial and irrelevant to the issues in this case. Further being merely the statement of the opinion of the witness as to a report in the Journal of the American Medical Association, it is hearsay and inadmissible and carries no weight whatever. I cannot therefore agree with the statement in the majority opinion that there is positive and uncontradicted testimony that the use of mineral oil as a food, as applied to this case, was or could be harmful.

"Notwithstanding, however, my opinion that the whole proceeding is a tempest in a teapot and that its bringing was an administrative error, I am compelled to agree with the views of my brother Holmes that, within the meaning of the statute under which the suit was brought, 324 (3) and (4), the article in question was adulterated. It was adulterated under sub. sec. (3) by having its inferiority to butter concealed by making it look like butter. It was adulterated under sub. sec. (4) by being so colored 'as to make it appear better or of greater value', that is by making it appear to be melted butter.



I, therefore, concur in the conclusion the majority opinion reaches that the cause must be reversed and remanded with directions."

On August 2, 1948, a final decree was entered in the district court, condemning the product and ordering that it be destroyed. The decree provided that destruction might be effected by delivering the product to a Federal institution, to be used for purposes other than for food.

**13864. Adulteration of oil. U. S. v. 8 Cans \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 24843, 24872. Sample Nos. 4513-K, 4515-K.)

**LIBEL FILED:** May 14 and June 4, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about October 15 and 24, 1947, by Albert M. Caputo, from Providence, R. I.

**PRODUCT:** Oil. 8 cans at Stonington, Conn., and 4 cases, each containing 6 cans, at Pawcatuck, Conn.

**LABEL, IN PART:** "Contents One Gallon Favorita Brand An Excellent Blend of Choice Corn & Peanut Oils and 20% Pure Olive Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), (Stonington lot) a substance containing little or no olive oil and (Pawcatuck lot) a substance consisting of corn and cottonseed oil with not more than 5 percent of olive oil had been substituted for corn and peanut oil and 20 percent pure olive oil, which the product was represented to be.

Misbranding, Section 403 (a), the label statement "An Excellent Blend of Choice Corn and Peanut Oils and 20% Pure Olive Oil" was false and misleading. Further misbranding, Section 403 (e) (2), (Pawcatuck lot) the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled 1 gallon.) Section 403 (f), (Stonington lot) the information required by Section 403 (e) to appear on the label did not appear thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the information did not appear on the label in the Italian language, although the label contained other representations in Italian.

**DISPOSITION:** August 2, 1948. Default decrees of condemnation. The product was ordered delivered to charitable institutions, conditioned that the oil be emptied into a bulk container and the original cans destroyed.

**13865. Adulteration of oil. U. S. v. 6 Cans \* \* \*. (F. D. C. No. 24871. Sample No. 4516-K.)**

**LIBEL FILED:** June 4, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about November 4, 1947, by the Unita Packing Co., from Providence, R. I.

**PRODUCT:** 6 1-gallon cans of oil at Pawcatuck, Conn.

**LABEL, IN PART:** "White Pigeon Cream Oil Corn and Olive Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance consisting of cottonseed oil with not more than 5 percent olive oil had been substituted for corn and olive oil.

Misbranding, Section 403 (a), the label statement "Corn and Olive Oil" was false and misleading.

**DISPOSITION:** August 2, 1948. Default decree of condemnation. The product was ordered delivered to charitable institutions.

**13866. Adulteration and misbranding of oil. U. S. v. 180 Cases \* \* \*.**  
(F. D. C. No. 25056. Sample No. 8144-K.)

**LIBEL FILED:** July 9, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about June 11, 1948, by the Lentini Olive Oil Packing Co., from Brooklyn, N. Y.

**PRODUCT:** 180 cases, each containing 6 1-gallon cans, of oil at Stamford, Conn.  
The product was artificially flavored peanut oil containing little, if any, olive oil.

**LABEL, IN PART:** "Angelus 80% Peanut Oil 20% Pure Olive Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted; and, Section 402 (b) (4), artificial flavoring had been added to the article and mixed and packed with it so as to make it appear to be, or to contain substantial amounts of, olive oil, which is better and of greater value than peanut oil.

Misbranding, Section 403 (a), the label statement "20% Pure Olive Oil" was false and misleading as applied to the article, which contained little, if any, olive oil.

**DISPOSITION:** December 9, 1948. The Lentini Olive Oil Packing Co. and the Lentini Packing Co., claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be used in the manufacture of soap, under the supervision of the Food and Drug Administration.

**13867. Adulteration and misbranding of french dressing. U. S. v. 150 Cases \* \* \*. Tried to the jury. Verdict for Government. Decree of condemnation. (F. D. C. No. 17531. Sample No. 52911-H.)**

**LIBEL FILED:** February 27, 1946, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about February 8, 1946, by Louis Milani Foods, from Chicago, Ill.

**PRODUCT:** 150 cases, each containing 24 8-ounce bottles, of french dressing at Cincinnati, Ohio.

**LABEL, IN PART:** "French Lady French Dressing."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, oil, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the designation "French Dressing" was false and misleading as applied to a product which contained an insignificant amount, if any, of oil; and, Section 403 (b), the article was offered for sale under the name of another food.

**DISPOSITION:** Louis Milani Foods appeared as claimant and filed exceptions to the libel, on the grounds that the libel did not state on its face any violations of the law nor did it show that the product was adulterated or misbranded within the meaning of the law. On August 9, 1946, after consideration of the briefs and arguments of counsel, the court entered an order overruling the exceptions to the libel. On August 13, 1946, the claimant filed an answer, denying that the product was adulterated and misbranded. The case came on for trial before a jury on October 28, 1946, and continued to October 30, 1946, at which time the jury returned a verdict in favor of the Government. Thereafter, a motion for a new trial was filed on behalf of the claimant, but on a hearing of the matter on November 18, 1946, the court overruled such motion. On July 28, 1947, the claimant having surrendered all claims to the



product, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**13868. Adulteration and misbranding of french dressing. U. S. v. 20 Cases (and 2 other seizure actions).** (F. D. C. Nos. 22781, 23032, 23123. Sample Nos. 68075-H, 69009-H, 69764-H, 69765-H.)

**LIBELS FILED:** March 28 and May 20, 1947, District of Nebraska and Northern District of Indiana.

**ALLEGED SHIPMENT:** Between the approximate dates of August 8 and December 2, 1946, by the George Importing Co., from Chicago, Ill.

**PRODUCT:** French dressing. 20 cases at Omaha, Nebr., 44 cases at Gary, Ind., and 59 cases at Bluffton, Ind. Each case contained 24 bottles, varying in size from 8 to 16 ounces.

**LABEL, IN PART:** "Maurice's French Dressing Contains salad oil, vinegar, water, sugar, paprika, spices, tomato puree and gum tragacanth."

**NATURE OF CHARGE:** Adulteration (all lots), Section 402 (b) (1), valuable constituents, edible vegetable oil and (Omaha lot only) sugar, had been omitted from the product; (Omaha and Gary lots and portion of Bluffton lot) Section 402 (a) (2), the product contained an added deleterious substance, mineral oil, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice; (Omaha and Gary lots and portion of Bluffton lot) Section 402 (b) (2) a product containing nonnutritive mineral oil and (Omaha lot only) saccharin had been substituted in whole or in part for French dressing containing edible vegetable oil and sugar; and (Gary and Bluffton lots), Section 402 (b) (4), artificial coloring had been added to the product and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding (all lots), Section 403 (a), the label statement "French Dressing" was false and misleading.

**DISPOSITION:** March 21, May 15, and July 8 and 15, 1947. Default decrees of condemnation and destruction.

**13869. Adulteration of mayonnaise. U. S. v. 97 Cases \* \* \*. (F. D. C. No. 22395. Sample No. 62236-H.)**

**LIBEL FILED:** January 16, 1947, District of Montana.

**ALLEGED SHIPMENT:** On or about November 26 and December 2, 1946, by H. C. Exby, from Cody, Wyo.

**PRODUCT:** 97 cases, each containing 12 14-ounce jars, of mayonnaise at Butte, Mont.

**LABEL, IN PART:** "Harry's Mayonnaise—Ingredients: Mineral Oil, Vinegar, Pepper, Lemon Juice, Eggs, Paprika, Salt and Sugar, Marshmallow and U. S. Certified Color."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the product contained approximately 70 percent of added mineral oil, a deleterious substance, which may have rendered it injurious to health; Section 402 (b) (1), a valuable constituent, edible vegetable oil, had been in whole or in part omitted; Section 402 (b) (2), a product containing mineral oil had been substituted for mayonnaise, which contains edible vegetable oil and does not contain mineral oil; and, Section 402 (b) (4), mineral oil had been added to the product and mixed and packed with it so as to reduce its quality and strength.

DISPOSITION: March 27, 1947. Default decree of condemnation and destruction.

13870. Adulteration of salad dressing. U. S. v. 325 Cases \* \* \*. (F. D. C. No. 25443. Sample No. 28673-K.)

LIBEL FILED: September 8, 1948, District of Utah.

ALLEGED SHIPMENT: On or about May 5, 1947, from Seattle, Wash.

PRODUCT: 325 cases, each containing 24 1-pint jars, of salad dressing at Ogden, Utah.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of being fermented, and it was unfit for food by reason of its unpleasant, rancid taste. (The product was adulterated while held for sale after shipment in interstate commerce.)

DISPOSITION: October 8, 1948. Default decree of condemnation and destruction.

13871. Adulteration of salad dressing. U. S. v. 110 Cases \* \* \*. (F. D. C. No. 25466. Sample No. 5031-K.)

LIBEL FILED: August 19, 1948, District of Connecticut.

ALLEGED SHIPMENT: On or about November 19, 1946, from Brooklyn, N. Y.

PRODUCT: 110 cases, each containing 24 8-ounce jars, of salad dressing at New London, Conn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its rancid odor and taste rendering it unpalatable. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 26, 1948. Default decree of condemnation and destruction.

## POULTRY

13872. Adulteration of frozen poultry. U. S. v. 251 Boxes \* \* \*. (F. D. C. No. 25043. Sample No. 20719-K.)

LIBEL FILED: July 19, 1948, District of Nebraska.

ALLEGED SHIPMENT: On or about June 26, 1948, by Eagle Poultry Packers, Inc., from Frankfort, Del.

PRODUCT: 251 boxes of frozen poultry at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 26, 1948. Eagle Poultry Packers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be brought into compliance with the law by segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The total weight of the seized poultry was 17,156 pounds. The salvage operations resulted in the release of 7,132 pounds of eviscerated poultry.

13873. Adulteration of frozen turkeys. U. S. v. 137 Boxes \* \* \*. (F. D. C. No. 24994. Sample Nos. 14488-K to 14490-K, incl.)

LIBEL FILED: July 12, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 7, 1947, by English River Valley Turkey Assn., Sam Wyse, from Riverside, Iowa.

PRODUCT: 137 100-pound boxes of frozen turkeys at Chicago, Ill.



**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added water had been substituted for frozen turkeys; and, Section 402 (b) (4), water had been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength. (The turkeys had been injected with water.)

**DISPOSITION:** August 20, 1948. The Bauer Poultry Corp., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the excess water be removed and that the fowls be roasted or cooked, under the supervision of the Food and Drug Administration.

**13874. Adulteration of frozen turkeys. U. S. v. 197 Cases \* \* \*. (F. D. C. No. 25187. Sample No. 6709-K.)**

**LIBEL FILED:** July 19, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about June 29, 1948, by Alberta Poultry Marketers, Ltd., from Edmonton, Alberta, Canada.

**PRODUCT:** 197 cases of frozen turkeys at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of contamination with fecal matter and the presence of rodent-damaged and decomposed birds.

**DISPOSITION:** July 23, 1948. Leserman & Keller, Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation and salvaging of the fit portion, under the supervision of the Food and Drug Administration. Of the 17,104 pounds of turkeys seized, 1,175 pounds were discarded as unfit and destroyed.

## SPICES, FLAVORS, AND SEASONING MATERIALS\*

**13875. Adulteration of chili pepper. U. S. v. Thomas P. Gonzalez (Gonzalez & Blanco). Plea of nolo contendere. Fine, \$10. (F. D. C. No. 25281. Sample No. 31326-K.)**

**INFORMATION FILED:** August 17, 1948, Southern District of California, against Thomas P. Gonzalez, trading as Gonzalez & Blanco, Los Angeles, Calif.

**ALLEGED SHIPMENT:** On or about February 5, 1948, from the State of California into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of moldy chili pepper.

**DISPOSITION:** August 30, 1948. A plea of nolo contendere having been entered, the defendant was fined \$10.

**13876. Adulteration of chili peppers. U. S. v. 22 Bales, etc. (F. D. C. No. 24987 Sample Nos. 30342-K, 30343-K.)**

**LIBEL FILED:** June 30, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about January 20 and February 4, 1947, from El Paso, Tex.

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\*See also No. 13860.

PRODUCT: 22 bales, each containing 220 pounds, and 119 sacks, each containing 111 pounds, of chili peppers at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. (The article was adulterated while held for sale after shipment in interstate commerce.)

DISPOSITION: July 26, 1948. Commercial Commodities Co., Inc., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and disposed of under the supervision of the Food and Drug Administration. Of the 18,049 pounds that were seized, 8,789 pounds were destroyed.

**13877. Adulteration of paprika and chili powder. U. S. v. Cal-Compack Foods, Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 25295. Sample Nos. 21172-K, 31350-K.)**

INFORMATION FILED: August 30, 1948, Southern District of California, against Cal-Compack Foods, Inc., Santa Ana, Calif.

ALLEGED SHIPMENT: On or about February 5, and April 15, 1948, from the State of California into the States of Kansas and Texas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 20, 1948. A plea of guilty having been entered, the defendant was fined \$500.

**13878. Adulteration of chili powder. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 24961. Sample No. 31411-K.)**

LIBEL FILED: June 22, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about May 9, 1948, by the Alamo Express, from Corpus Christi, Tex. This was a return shipment.

PRODUCT: 1 240 pound barrel of chili powder at Santa Ana, Calif.

LABEL, IN PART: "Cal-Compack Foods Inc. \* \* \* Santa Ana, Calif. Extra Fancy Chili Powder."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 16, 1948. Default decree of condemnation and destruction.

**13879. Adulteration of paprika. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 25014. Sample No. 28554-K.)**

LIBEL FILED: July 8, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about March 24, 1945, from Los Angeles, Calif.

PRODUCT: 1 200-pound barrel of paprika at Denver, Colo.

NATURE OF CHARGE: The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: August 26, 1948. Default decree of condemnation and destruction.



**13880. Adulteration of cumin seed. U. S. v. 2 Bags, etc. (F. D. C. No. 25006. Sample No. 18967-K.)**

**LIBEL FILED:** July 7, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about February 26, 1948, from New York, N. Y.

**PRODUCT:** Cumin seed. 2 bags, each containing 108 pounds, and 1 bag, containing 40 pounds, at Cleveland, Ohio.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, beetles, and larvae.

**DISPOSITION:** August 18, 1948. Default decree of condemnation and destruction.

**13881. Adulteration of yellow mustard seed. U. S. v. 137 Bags \* \* \*. (F. D. C. No. 25199. Sample No. 18970-K.)**

**LIBEL FILED:** July 23, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about December 9, 1947, by the Lompoc Produce Co., from Sunburst, Mont.

**PRODUCT:** 137 100-pound bags of yellow mustard seed at Medina, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and rodent excreta.

**DISPOSITION:** August 12, 1948. The H. W. Madison Co., Medina, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for cleaning, under the supervision of the Federal Security Agency.

**13882. Adulteration of salt. U. S. v. 52 Bags, etc. (F. D. C. No. 25151. Sample Nos. 3584-K, 3585-K.)**

**LIBEL FILED:** August 2, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about December 12, 1947, from Port Huron, Mich.

**PRODUCT:** 152 50-pound bags of salt at Baltimore, Md., in possession of B. Green & Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hair fragments; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 7, 1948. Default decree of condemnation. The product was ordered delivered to a municipal institution, for animal use.

## **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE**

**13883. Adulteration and misbranding of Cal-Par. U. S. v. Hood Products Corporation and Charles H. Fingerhood. Pleas of guilty. Fine of \$1,000 against defendants jointly. (F. D. C. No. 6504. Sample No. 61018-E.)**

**INFORMATION FILED:** April 6, 1944, Southern District of New York, against the Hood Products Corp., New York, and Charles H. Fingerhood, an officer of the corporation.

**ALLEGED SHIPMENT:** Between May 10 and 14, 1941, from the State of New York into the State of Washington.

**PRODUCT:** Microscopic examination showed that the product contained wheat germ, wheat bran, wheat flour, and crystalline material. It contained also compounds of calcium and iron.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, phosphorus, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading.

The information alleged also that the labeling of the article misbranded the product under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2517, in which is set forth the nature of the false and misleading claims.

**DISPOSITION:** October 8, 1948. Pleas of guilty having been entered, the defendants were jointly fined \$1,000.

**13884. Adulteration and misbranding of Formula 80 tablets and Formula 444 tablets. U. S. v. William G. Eckert (William G. Eckert—Enzyme Therapys). Plea of nolo contendere. Fine, \$400. (F. D. C. No. 24831. Sample Nos. 36436-K, 36439-K.)**

**INFORMATION FILED:** August 12, 1948, Southern District of California, against William G. Eckert, trading as William G. Eckert—Enzyme Therapys, Los Angeles, Calif.

**ALLEGED SHIPMENT:** On or about August 18 and December 23, 1947, from the State of California into the State of Oregon.

**NATURE OF CHARGE:** Formula 80 tablets. Adulteration, Section 402 (b) (1), a valuable constituent of the article, niacinamide, had been in part omitted and abstracted, in that each tablet was represented to contain one milligram of niacinamide, whereas one tablet of the article contained less than one milligram of niacinamide. Misbranding, Section 403 (a), the label statement "Each tablet contains Niacinamide 1 Mg." was false and misleading. Further misbranding, Section 403 (a), the statements "Each tablet contains \* \* \* Hydrolized Natural Plant Proteins containing approximately the following composition of Amino Acid Salts: Alanine 9.8%, Proline 9.0%, Crystine 1.2%, Methionine 2.0%, Arginine 1.5%, Hystidine 0.8%, Lysine 0.1%, Phenylalanine 6.6%, Tryosine, 2.6%, Threonine 3.0%, Valine 1.9%, Leucine 19.6%, Isoleucine 3.7%, Aspartic Acid 1.7%, Glutamic Acid 24.1%" and "Each tablet contains one half gram of the natural hydrolized plant proteins as listed on front label which are known to be needed for growth and tissue maintenance, in a natural form and supply 62.50% of amino acid salts as listed" were false and misleading. The statements represented and suggested that the article would supply nutritionally significant amounts of hydrolized protein and amino acids, whereas the article would not supply nutritionally significant amounts of hydrolized protein and amino acids.

Formula 444 tablets. Adulteration, Section 402 (b) (1), a valuable constituent of the article, iron, had been in part omitted and abstracted therefrom since each tablet was represented to contain 10 milligrams of iron, whereas one tablet of the article contained less than 10 milligrams of iron. Misbranding, Section 403 (a), the label statement "Each tablet contains Iron (Iron Tartrate) 10 Mgs." was false and misleading.



**DISPOSITION:** September 13, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$400.

**13885. Adulteration and misbranding of Vitawine. U. S. v. Interstate Laboratories, Inc. Plea of guilty. Fine, \$258 and costs. (F. D. C. No. 24043. Sample Nos. 52696-H, 54133-H, 54135-H.)**

**INFORMATION FILED:** March 10, 1948, Western District of Kentucky, against Interstate Laboratories, Inc., Louisville, Ky.

**ALLEGED SHIPMENT:** Between the approximate dates of September 9, 1946, and January 17, 1947, from the State of Kentucky into the State of Indiana.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, niacin, vitamin B<sub>1</sub>, and iron and ammonium citrate, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), certain statements on the label of the article and in a circular enclosed with the article were false and misleading. These statements represented and suggested that each fluid ounce of the article contained 1,000 U. S. P. units of thiamine (vitamin B<sub>1</sub>), 10 milligrams of niacin, and 5 grains of iron and ammonium citrate, and that a tablespoonful, or ½ ounce, four times daily would provide 600 percent of the minimum daily requirements for thiamine (vitamin B<sub>1</sub>) and 1,100 percent of the minimum daily requirements for iron. The article contained less niacin and iron and ammonium citrate, and a portion of the article contained less thiamine (vitamin B<sub>1</sub>) than represented; and one tablespoonful, or ½ ounce, of the article four times daily would supply smaller proportions of the minimum daily requirements for iron, and a portion of the article would supply smaller proportions of the minimum daily requirements for thiamine.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2475.

**DISPOSITION:** May 26, 1948. A plea of guilty having been entered, the court imposed a fine of \$258 and costs.

**13886. Adulteration of Protam. U. S. v. Ralph S. Willard (Hollywood Testing Laboratories). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 24788. Sample No. 44855-H.)**

**LIBEL FILED:** June 28, 1948, Southern District of California, against Ralph S. Willard, trading as Hollywood Testing Laboratories, Los Angeles, Calif.

**ALLEGED VIOLATION:** The defendant was charged with giving a false guaranty to the Associated Nutrition Consultants, Los Angeles, Calif., on or about May 5, 1947. It provided that no food, drug, device, or cosmetic constituting a shipment or delivery made by the defendant to the latter firm would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about June 17 and July 2, 1947, the defendant sold and delivered to the Associated Nutrition Consultants a number of packages of Protam which were adulterated, and on or about July 11, 1947, the latter firm shipped one package of the product from the State of California into the State of Arizona.

**LABEL, IN PART:** "Protam Low Fat High Protein Distributed by Associated Nutrition Consultants \* \* \* Two heaping teaspoonfuls (16.84 grams) \* \* \* Protein content 49.9% \* \* \* Vitamin D 400 U. S. P. Units Iron 10.0 Mg. \* \* \* Calcium 90.0 Mg."



**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin D, calcium, iron, and protein, had been in part omitted, in that 2 heaping teaspoonfuls (16.84 grams) of the product contained less than 400 U. S. P. units of vitamin D and less than 90 milligrams of calcium and 10 milligrams of iron, and the protein content of the product was less than 49.9% as claimed on the label.

**DISPOSITION:** August 13, 1948. A plea of nolo contendere having been entered, the defendant was fined \$250.

**13887. Misbranding of Kevo Enurgets. U. S. v. W. H. Y. & Kevo Products Co., Ltd., and George M. Bartlett. Pleas of guilty. Imposition of sentence suspended for 1 year and defendants placed on probation for 1 year. (F. D. C. No. 24272. Sample Nos. 69068-H, 69069-H, 15309-K.)**

**INFORMATION FILED:** August 12, 1948, Southern District of California, against W. H. Y. & Kevo Products Co., Ltd., a partnership, Los Angeles, Calif., and George M. Bartlett, a partner.

**ALLEGED SHIPMENT:** On or about May 15 and July 22, 1947, from the State of California into the State of Illinois.

**LABEL, IN PART:** "Kevo Enurgets A Delicious Near Chocolate Flavor Candy Energy-Food."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), certain statements in the labeling represented and suggested that the product would be effective to supply energy and pep, to furnish maximum nutrition and lasting energy for people on the go, to give the user quick pick-up, to quickly build energy that lasts, to bring about mental and physical alertness, to take away tired feeling, to aid digestion, and to ease away nervous headaches. These statements were false and misleading since the product would not be effective for such purposes. Further misbranding, Section 403 (a), the statement "Kevo Enurgets contain Dehydrated, Powdered Whole Soy Bean; Germ of Whole Wheat; \* \* \* Skim Milk, Barley Malt; Deep Sea Kelp; Mint Leaves; Rhubarb Plant; Spinach; Carrot; Celery" on the label of a portion and the statement "Kevo Enurgets contain Dehydrated, Powdered Whole Soy Bean; Germ of Whole Wheat; \* \* \*; Barley Malt; Soy Milk; Deep Sea Kelp; Mint Leaves; Carrot; Celery; Calcium Carbonate; Iron; Phosphorus; Iodine" on the label of the remainder were misleading since the statements represented that the product contained significant amounts of the ingredients stated, whereas it did not, but consisted principally of sugar and dextrose.

Further misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient since the product contained sugar (sucrose) and, further, its label failed to declare the presence of sugar (sucrose).

Further misbranding (one shipment), Section 403 (j), the product purported to be and was represented as a food for special dietary uses by man by reason of its mineral content of calcium, iron, phosphorus, and iodine, and by reason of its vitamin content. Its label failed to bear such information concerning its vitamin and mineral properties as had been determined to be and by regulations prescribed as necessary in order to fully inform purchasers as to its value for such uses; its label failed to bear with respect to its vitamin properties a statement of the dietary properties upon which such use is based, a statement of the proportion of the minimum daily requirement for those vitamins for which minimum daily requirements have been established and which



would be supplied by the product when consumed in a specified quantity during a period of one day, and a statement of the amount of vitamins contained in the product for which minimum daily requirements have not been established; and its label failed to bear with respect to its mineral properties a statement of the proportion of the minimum daily requirement for calcium, iron, phosphorus, and iodine which would be supplied by the product when consumed in a specified quantity during a period of one day.

**DISPOSITION:** August 23, 1948. Pleas of guilty having been entered, imposition of sentence was suspended for 1 year and the defendants were placed on probation for that period of time.

**13888. Misbranding of Nova-Kelp. U. S. v. Johnstone Drug Sales Corp. and Frederick W. Clements. Pleas of nolo contendere. Fines of \$250 against each defendant. Payment of fine against corporation suspended. (F. D. C. No. 24236. Sample No. 39024-H.)**

**LIBEL FILED:** March 17, 1948, Western District of New York, against the Johnstone Drug Sales Corp., Rochester, N. Y., and Frederick W. Clements president.

**ALLEGED SHIPMENT:** Between the approximate dates of April 16, 1945, and March 20, 1947, from the State of New York into the State of Michigan.

**LABEL, IN PART:** "Nova-Kelp \* \* \* A Deep-Sea Edible Plant \* \* \* Sole Owners and Distributors Nova-Kelp Company, Ltd., Rochester, New York."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "rich in \* \* \* Calcium, Copper, Sodium, Magnesium, Potassium, Phosphorus" was false and misleading since the article was not rich in calcium, copper, sodium, magnesium, potassium, and phosphorus.

Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its mineral properties with respect to iodine, iron, calcium, copper, sodium, magnesium, potassium, and phosphorus. Its label failed to bear as required by regulations a statement of the proportion of the minimum daily requirements for calcium, phosphorus, iodine, and iron which would be supplied by the article when consumed in a specified quantity during a period of one day; and its label failed also to bear as required by regulations a statement of the quantity of copper, sodium, magnesium, and potassium in a specified quantity of the article, which quantities are the amounts customarily and usually consumed during a period of one day, or quantities reasonably suitable for and practicable for consumption in such period.

**DISPOSITION:** August 9, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 against each defendant. Payment of the fine against the corporation was suspended.

**13889. Misbranding of saccharin tablets. U. S. v. National Specialty Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 23570. Sample Nos. 54108-H, 54109-H, 55101-H.)**

**INFORMATION FILED:** October 21, 1947, Middle District of Tennessee, against the National Specialty Co., a partnership, Nashville, Tenn.

**ALLEGED SHIPMENT:** On or about October 19 and December 31, 1946, from the State of Tennessee into the States of Georgia and Indiana.

**PRODUCT:** Saccharin tablets. Two shipments of the product were contained in small packages attached to cards, and 12 packages were attached to each card. Each package was labeled as containing 35 tablets. The third shipment of the product was contained in bottles purportedly containing 100 tablets each.

**LABEL, IN PART:** (Display cards) "Nasco Brand Saccharin Tablets 35's"; (packages) "Nasco Brand Saccharin Tablets  $\frac{1}{4}$  Grain Soluble 10¢"; or (bottles) "Nasco Brand 100 Saccharin Tablets."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product in both size packages failed to bear a label containing an accurate statement of the quantity of the contents since the label on the 35-tablet size packages bore no statement of the quantity of the contents, and the label on the 100-tablet size bottles bore an inaccurate statement since some of the bottles contained less than 100 tablets and some contained more than 100 tablets; and, Section 403 (a), the statement on the display cards "Saccharin Tablets 35's" was false and misleading since a number of packages attached to the cards contained less than 35 tablets.

**DISPOSITION:** March 24, 1948. A plea of nolo contendere having been entered, the defendant was fined \$100.

**13890. Misbranding of Dr. Schultz Vitalic Egg-Maker. U. S. v. Picard Pharmacy, Inc. (Venus Wholesale Co.), and Lawrence J. Doud and Ralph R. Reemts. Pleas of nolo contendere. Fine of \$75 and costs against defendants jointly. (F. D. C. No. 23263. Sample No. 20637-H.)**

**INFORMATION FILED:** January 30, 1948, District of Nebraska, against Picard Pharmacy, Inc., trading under the name of the Venus Wholesale Co. at Geneva, Nebr., and against Lawrence J. Doud, president, and Ralph R. Reemts, secretary.

**ALLEGED SHIPMENT:** On or about April 7, 1947, from the State of Nebraska into the State of Kansas.

**PRODUCT:** Analysis disclosed that the product consisted essentially of mineral salts containing 23.23 percent of calcium, 3.40 percent of phosphorus, 2.99 percent of iron, 9.81 percent of sodium chloride, and a manganese compound, charcoal, and plant material including nux vomica and quassia.

**LABEL, IN PART:** "Dr. Schultz Vitalic Egg-Maker and General Conditioner \* \* \* Dr. Schultz-Veterinary Laboratories [or "Dr. Schultz Vitalic Egg-Maker \* \* \* Sole Midwest Distributors Venus Wholesale Co." ] Geneva, Nebr."

**NATURE OF CHARGE:** Dr. Schultz Vitalic Egg-Maker. Misbranding, Section 403 (a), certain statements on the label of the article and in a circular entitled "Dr. Schultz Vitalic Egg-Maker" enclosed with the article were false and misleading since the article would not fulfill the promises of benefit suggested and implied. The statements represented and suggested and created the impression that the article was necessary for the production of eggs; that it was a medicated tonic and conditioner for poultry; that it would keep poultry in a thriving, healthy condition, and would build blood and bone; that it would be effective in producing diuresis and laxation; that it would stimulate the appetite and improve the general tone and condition of poultry; that it would be effective in checking worms and parasites in the intestinal tract of poultry and would prevent losses in poultry; that it would promote quick gains and rapid growth and would be effective in eliminating toxic poisons from clogged systems.



The information alleged also that certain other veterinary preparations, together with the Dr. Schultz Vitalic Egg-Maker, were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2543.

**DISPOSITION:** March 10, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$75 and costs against the defendants jointly.

**13891. Misbranding of National Yeast Feeds and Master-Mix Mineral Feed. U. S. v. National Compound Co. Plea of guilty. Fine, \$250. (F. D. C. No. 23267. Sample Nos. 77553-H, 77555-H.)**

**INFORMATION FILED:** February 9, 1948, District of South Dakota, against the National Compound Co., a corporation, Sioux Falls, S. Dak.

**ALLEGED SHIPMENT:** On or about April 3, 1947, from the State of South Dakota into the State of Minnesota.

**PRODUCT:** Analyses disclosed that the National Yeast Feeds consisted of a heterogeneous gray powder containing 9.5 percent salt, 0.0048 percent potassium iodide, 0.63 percent crude fat, and 3.8 percent crude fiber; and that the Master Mix Mineral Feed was a heterogeneous cream-colored powder containing 5.76 percent protein, 0.14 percent crude fat, and 0.007 percent iodine.

**NATURE OF CHARGE:** National Yeast Feeds. Misbranding, Section 502 (a), certain statements on the label of the article and in a circular entitled "National Yeast Feeds," which was shipped prior to the article, were false and misleading since they represented and suggested that the article contained 3.4 percent of fat and not less than 0.035 percent of potassium iodine; that the article would increase the appetite and aid digestion and assimilation; that it would be effective in giving hogs bigger appetites; that it would promote vigor and tone, aid the stomach and internal organs in the assimilation of the pork making elements in the usual farm feeds, eliminate practically all bowel troubles of hogs, and increase the growth and egg production of chickens; that it would be effective in making healthier hogs and baby chicks and would be effective in the cure, mitigation, and treatment of coccidiosis and other bowel troubles of chickens. The article contained less fat and potassium iodine than represented and it would not be effective for the purposes represented.

Master-Mix Mineral Feed. Misbranding, Section 403 (a), certain statements on the label of the article were false and misleading since they represented and suggested that the article would be effective to stimulate the appetite, promote digestion, and hasten assimilation of feeds; and that the article contained not less than 10 percent of crude protein, not less than 2.5 percent of crude fat, and not less than 0.08 percent of iodine. The article would not be effective for the purposes represented, and it contained less than the declared amounts of crude protein, crude fat, and iodine.

The articles, together with certain other veterinary drugs, were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2546.

**DISPOSITION:** April 29, 1948. A plea of guilty having been entered, the court imposed a fine of \$250.

**13892. Misbranding of Paracelsus. U. S. v. 108 Cans, etc. (F. D. C. No. 23657. Sample Nos. 69018-H, 70034-H.)**

**LIBEL FILED:** September 25, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** By the American Biochemical Corp., from Cleveland, Ohio. The product was shipped on or about June 10 and August 6, 1947, and a number of printed folders were shipped on or about March 31 and August 4, 1947.

**PRODUCT:** 108 1-pound, 5-ounce cans, of Paracelsus at Chicago, Ill., together with a number of printed folders entitled "Paracelsus Its Origin What It Is Comments."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), certain statements on the label and in the folders were false and misleading.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2482, in which is set forth the composition of the product and the nature of the false and misleading claims in the labeling.

**DISPOSITION:** January 29, 1948. Default decree of condemnation and destruction.

### MISCELLANEOUS FOODS

**13893. Adulteration of gelatine dessert. U. S. v. Elmer E. Wade (Anna Elizabeth Wade). Plea of guilty. Fine, \$500. (F. D. C. No. 24807. Sample No. 12110-K.)**

**INFORMATION FILED:** June 23, 1948, District of New Jersey, against Elmer E. Wade, trading as Anna Elizabeth Wade, at Orange, N. J.

**ALLEGED SHIPMENT:** On or about September 3, 1947, from the State of New Jersey into the State of Pennsylvania.

**LABEL, IN PART:** "Anna Elizabeth Wade \* \* \* Gelatine Dessert Imitation Wild Cherry Flavor \* \* \* Anna Elizabeth Wade \* \* \* East Orange, N. J."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fragments of rodent excreta and rodent hairs.

**DISPOSITION:** September 17, 1948. A plea of guilty having been entered, the court imposed a fine of \$500.

**13894. Adulteration of U. S. Army K Rations. U. S. v. 286 \* \* \*. (F. D. C. No. 25424. Sample No. 31910-K.)**

**LIBEL FILED:** August 26, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about July 26, 1948, by the B & A Distributing Co., from Portland, Oreg.

**PRODUCT:** 286 U. S. Army K Rations at Los Angeles, Calif.

**LABEL, IN PART:** "U. S. Army Field Ration K."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

**DISPOSITION:** September 14, 1948. Default decree of condemnation and destruction.

**13895. Adulteration of sodium caseinate. U. S. v. 1 Bag \* \* \*. (F. D. C. No. 25397. Sample No. 19933-K.)**

**LIBEL FILED:** August 23, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 7, 1948, by National Casein Sales, Chicago, Ill.



PRODUCT: 1 100-pound bag of sodium caseinate at Middleport, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments. (The product was intended to be used as a food.)

DISPOSITION: October 7, 1948. Default decree of destruction.

13896. Adulteration of Absorbex. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 25271. Sample No. 23271-K.)

LIBEL FILED: August 12, 1948, Western District of Texas.

ALLEGED SHIPMENT: On or about June 23, 1948, by the Brooks Supply Co., Oklahoma City, Okla.

PRODUCT: 1 300-pound barrel of Absorbex at Seguin, Tex. The product was offered for use in the neutralization of cream in the manufacture of dairy products.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a boron compound, which is unsafe since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: December 14, 1948. Default decree of forfeiture and destruction.

13897. Adulteration of Absorbex C. U. S. v. 2 Barrels \* \* \*. (F. D. C. No. 24960. Sample No. 27757-K.)

LIBEL FILED: June 21, 1948, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about April 20, 1948, by the Tubbs Co., from Prescott, Wis.

PRODUCT: 2 300-pound barrels of Absorbex C at Mt. Vernon, Ill.

LABEL, IN PART: "Absorbex C for Cream Only."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a boron compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: August 10, 1948. Default decree of condemnation and destruction.

13898. Adulteration of Absorbex M. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 24946. Sample No. 25210-K.)

LIBEL FILED: June 10, 1948, Northern District of Iowa.

ALLEGED SHIPMENT: On or about March 29, 1948, by the Tubbs Co., from Prescott, Wis.

PRODUCT: 1 300-pound barrel of Absorbex M at Sibley, Iowa.

LABEL, IN PART: "Absorbex M for Whole Milk, Skim Milk, Buttermilk and Whey for Human Consumption."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a boron compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: July 16, 1948. Default decree of condemnation and destruction.

13899. Adulteration of Absorbex C and Absorbex M. U. S. v. 1 Barrel, etc. (and 1 other seizure action). (F. D. C. Nos. 24959, 24975. Sample Nos. 27754-K to 27756-K, incl., 27761-K.)

LIBELS FILED: June 21 and 28, 1948, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about April 26 and May 1, 1948, by the Tubbs Co., from Prescott, Wis.

PRODUCT: Absorbex C and Absorbex M. 3 300-pound barrels at Millstadt, Ill., and 6 300-pound barrels at Harrisburg, Ill.

LABEL, IN PART: "M 600," "Absorbex M for Whole Milk, Skimmed Milk, Buttermilk and Whey for Human Consumption," and "Absorbex C For Cream Only."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a boron compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the product and could have been avoided by good manufacturing practice.

DISPOSITION: July 29, 1948. Default decree of condemnation and destruction.

13900. Adulteration and misbranding of coal-tar color. U. S. v. 2 Drums \* \* \*. (F. D. C. No. 24866. Sample No. 9168-K.)

LIBEL FILED: June 1, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 26, 1948, by Interstate Color Co., Inc., from New York, N. Y. This was a return shipment.

PRODUCT: 2 25-pound drums of coal-tar color at Landsdowne, Pa.

LABEL, IN PART: "FD&C Yellow #5 (Tartrazine) Lot No. D2213."

NATURE OF CHARGE: Adulteration, Section 402 (c), the product contained a coal-tar color other than one from a batch that had been certified in accordance with regulations of the Federal Security Administrator. Analysis showed that the product contained not more than 87.4 percent of pure dye and not less than 7.3 percent of salt. Lot No. D2213 represented a batch of certified coal-tar color containing 94 percent of pure dye and 3.2 percent of salt.

Misbranding, Section 403 (a), the statements in the labeling of the article "Lot No. D2213 \* \* \* This Certified Dye \* \* \* Certified Food Colors" were false and misleading since the product was not a certified coal-tar color.

DISPOSITION: July 7, 1948. Default decree of condemnation and destruction.

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<sup>1</sup> (13807) Prosecution contested.

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		Raisins	13815, 13816
		Raspberry preserves, imitation	13823
		Rice	13758, 13759
		Rolls	13708

<sup>1</sup> (13807) Prosecution contested.<sup>2</sup> (13826) Prosecution contested. Contains order of the court.<sup>3</sup> (13867) Seizure contested.<sup>4</sup> (13863) Seizure contested. Contains opinion of the court.

	N. J. No.		N. J. No.
Saccharin tablets-----	13889	juice-----	13704-13706
Salad dressing-----	13870, 13871	paste-----	13846-13847
Salmon, canned-----	13795	puree-----	13842-13845
Salt-----	13882	Turkeys, frozen-----	13873, 13874
Sauerkraut, canned-----	13837, 13838	Turnip greens, canned-----	13841
Schultz, Dr., Vitalic Egg-Maker--	13890	Vegetables. <i>See</i> Fruits and vegetables.	
Shellfish. <i>See</i> Fish and shellfish.		Vitamin, mineral, and other products of special dietary significance-----	13883-13892
Sirup, table-----	13775	Vitawine-----	13885
Sodium caseinate-----	13895	Walnut meats-----	13859
Soy flour-----	13746-13748	Whitefish-----	13796
Spices, flavors, and seasoning materials-----	13860, 13875-13882	Whole wheat flour-----	13720
Sugar, brown-----	13776		
Tomato(es), canned-----	13842		
catsup-----	13848-13850		

## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Adams, Clyde:		Caputo, A. M.:	
cream-----	13791	oil-----	13864
Adams, H. D.:		Chatham, R. T.:	
corn meal-----	13714	oleomargarine-----	13792
Alamo Express:		City Wholesale Grocery Co.:	
chili powder-----	13878	flour-----	13724
Alberta Poultry Marketers, Ltd.:		Clements, F. W.:	
frozen turkeys-----	13874	Nova-Kelp-----	13888
Alex Pecan Co.:		Coccia, Paul:	
pecan meats-----	13857	tomato puree and canned tomatoes-----	13842
Allen Canning Co.:		Coccia, Paul, Cannery:	
canned turnip greens-----	13841	tomato puree-----	13843
American Biochemical Corp.:		Coffin, M. W.:	
Paracelsus-----	13892	butter-----	13777
Arguimbau & Co., Inc.:		Colo-Flavor Products, Inc.:	
dates-----	13810	tomato juice-----	13706
Associated Nutrition Consultants:		Corozal Canning Co., Inc.:	
Protam-----	13886	pineapple juice-----	13703
Atkins Packing Co.:		Cox, E. C.:	
cucumber pickles-----	13835	egg noodles-----	13753
B & A Distributing Co.:		Craddock, B. F.:	
U. S. Army K Rations-----	13894	apple-strawberry jelly, apple-sauce, and peach preserves--	13821
Bartlett, G. M.		Craddock Canning & Preserve Co.	
Kevo Enurgets-----	13887	<i>See</i> Craddock, B. F.	
Bennett-Mount Co.:		Crooks Terminal Warehouse:	
potatoes-----	13836	brown sugar-----	13776
Blevins, J. V., Co.:		D & D Foods Co.:	
Pop'n Oil-----	<sup>4</sup> 13863	canned cherries-----	13802
Bowman Creamery Co. <i>See</i>		Daniels Food Products Co.:	
Driver, G. W.		imitation raspberry preserves--	13823
Brooks Supply Co.:		Davis, M. V.:	
Absorbex-----	13896	candy-----	13764
Brown's Food Products:		Davis Candy Co. <i>See</i> Davis, M. V.	
marshmallows-----	13772	Delta Canning Co.:	
Brown-Rogers-Dixon Co.:		tomato puree-----	13845
Cream of Maize-----	13760	Doud, L. J.:	
Brucia & Co.:		Dr. Schultz Vitalic Egg-Maker--	13890
olives-----	13818	Driver, G. W.:	
Cal-Compack Foods, Inc.:		butter-----	13780
chili powder-----	13877, 13878	Eagle Poultry Packers, Inc.:	
paprika-----	13877	frozen poultry-----	13872
California Packing Corp.:			
tomato catsup-----	13849		

<sup>4</sup> (13863) Seizure contested. Contains opinion of the court.



	N. J. No.		N. J. No.
Eavey Co.:		Henry, DeWitt, P., Co.:	
egg noodles-----	13754	candy-----	13771
Eckert, W. G.:		Hersey, Frank W., Estate:	
Formula 80 tablets and For-		flour-----	13726
mula 444 tablets-----	13884	Hershey, R. Z.:	
Eckert, W. G.—Enzyme Ther-		candy-----	13765
apys. <i>See</i> Eckert, W. G.		Heyd, C. G., & Co.:	
Economou, C.:		butter-----	13782
feta cheese-----	13789	Hitchner Biscuit Co.:	
Economou, C., Cheese Corp.:		cookies-----	13712
Cheddar cheese-----	13788	Hollywood Testing Laboratories.	
Edelstein Dairy Co., Inc. <i>See</i>		<i>See</i> Willard, R. S.	
Edelstein Foods, Inc.		Home Stores, Inc.:	
Edelstein Foods, Inc.:		corn meal-----	13714
creamed cottage cheese-----	13785	Hood Products Corp.:	
English River Valley Turkey		Cal-Par-----	13883
Assn., Sam Wyse:		Hoots Brothers:	
frozen turkeys-----	13873	phosphated flour-----	13743
Exby, H. C.:		Hoover Food Products Corp.:	
mayonnaise-----	13869	corn meal-----	13717
Fairmont Foods Co.:		Hunter, Walton & Co.:	
butter-----	13777	butter-----	13780, 13781
Farmers Cooperative Creamery		Independent Warehouse Co.:	
Assn. of Montevideo:		mixed nuts-----	13851
butter-----	13781	Interstate Color Co., Inc.:	
Farmers Union Marketing Assn.:		coal-tar color-----	13900
tomato juice-----	13706	Interstate Laboratories, Inc.:	
Fettig Canning Corp.:		Vitawine-----	13885
tomato catsup-----	13848	Jesters, Byron:	
Fingerhood, C. H.:		marshmallows-----	13772
Cal-Par-----	13883	Johnstone Drug Sales Corp.:	
Fisherman's Cooperative Federa-		Nova-Kelp-----	13888
tion:		Just Born, Inc.:	
frozen halibut-----	13793	candy-----	13767
Fletcher-Wilson Coffee Co.:		Kaufman, N. E.:	
peanut butter and mustard---	13860	bakery products-----	13708
Fort Worth Poultry & Egg Co.:		Kelley's, Mrs., Noodle Kitchen:	
butter-----	13779	egg noodles-----	13754
French Sardine Co.:		Kellogg Cooperative Creamery:	
canned mackerel-----	13794	butter-----	13778
Fresno Home Packing Co.:		Kincaid Produce & Wholesale	
dried apricots-----	13808	Co.:	
Fulcher, Garland F., Seafood Co.:		flour-----	13729
crab meat-----	13798	Lagomarcino-Grupe Co.:	
Garden State Canning Co.:		dried apricots-----	13809
tomato juice-----	13705	La Grange Mills:	
George Importing Co.:		flour-----	13732
french dressing-----	13868	Lakeview Milling Co., Inc.:	
Georgia Canning Co.:		flour-----	13720
canned field peas-----	13831, 13832	Lentini Olive Oil Packing Co.:	
Globe Grocery Co.:		oil-----	13866
pineapple juice-----	13703	Livingston, M., & Co.:	
Gold Leaf Margarine Co., Inc.:		apple-strawberry jelly-----	13821
oleomargarine-----	13792	Lompoc Produce Co.:	
Gonzalez, T. P.:		yellow mustard seed-----	13881
chili pepper-----	13875	Lynchburg Milling Co.:	
Gonzalez & Blanco. <i>See</i> Gon-		corn meal-----	13715
zalez, T. P.		McCarthy, D. J.:	
Green, B., & Co.:		whitefish-----	13796
salt-----	13882	McGovern & McGovern:	
Gurley Chocolate Co.:		canned salmon-----	13795
candy-----	13766	Malinsky, Wolf:	
Hamilton & Co.:		bakery products-----	13708
dried lima beans-----	13827	Manning Milling Co.:	
		corn meal, corn grits, and flour	13719

	N. J. No.		N. J. No.
Mikesell, D. W., Inc.:		Randall, Bob:	
egg noodles-----	13753	pecans-----	13858
Milani, Louis, Foods:		Raspanti, Rosario:	
french dressing----- <sup>3</sup>	13867	tomato puree-----	13844
Mootz, J. W.:		Reemts, R. R.:	
bread & buns-----	13709	Dr. Schultz Vitalic Egg-Maker-	13890
Mootz, J. W., Bakery:		Resser's Creamery:	
bread & buns-----	13709	butter-----	13784
Mount, Harold C., Inc.:		Robinson Canning Co.:	
potatoes-----	13836	canned turnip greens-----	13841
Mt. Vernon Milling Co., Division		Roeding Fig Co.:	
of J. R. Short Milling Co.		figs-----	13811
See Short, J. R., Milling Co.		Rosenberg Bros. & Co.:	
Murdoch, Reid:		dried apricots----- <sup>1</sup>	13807
peanut butter-----	13861	Royal Canning Corp.:	
Nash-Finch Co.:		canned peaches-----	13804
peanuts-----	13856	Sanson Meal Co.:	
National Casein Sales:		sirup-----	13775
sodium caseinate-----	13895	Sawaya, Joseph, & Sons Whole-	
National Compound Co.:		sale Grocers:	
National Yeast Feeds and		flour-----	13731
Master-Mix Mineral Feed---	13891	Schingen, F. C.:	
National Co-Operatives, Inc.:		candy-----	13763
tomato juice-----	13706	Schleicher, H. C.:	
National Speciality Co.:		bread-----	13710
saccharin tablets-----	13889	Schleicher Bakery. See	
New England Pickle Co. See		Schleicher, H. C.	
Sparer, Sidney.		Schultz Brothers Co.:	
New Jersey Italian Food Prod-		tomato catsup-----	13848
ucts Co.:		Schultz, Dr., Veterinary Labora-	
tomato puree and canned to-		tories:	
matoes-----	13842	Dr. Schultz Vitalic Egg-Maker-	13890
North Side Bakeries, Inc.:		Schwartz, J., & Sons:	
bakery products-----	13708	candy-----	13768
Nova-Kelp Co., Ltd.:		Scott, T. K.:	
Nova-Kelp-----	13888	corn meal-----	13715
Nutritional Enterprises:		Short, J. R., Milling Co.:	
fenugreek tea-----	13707	corn meal and brewers grits--	13718
Oelke Produce:		Smith, V. R.:	
cream-----	13790	olives-----	13817
Pacific Grape Products Co.:		Smith, S. V., Mill & Elevator Co.:	
tomato paste-----	13847	corn meal-----	13716
Pacific Sales Co.:		Smith, V. R., Olive Co., See	
dried apricots-----	13807	Smith, V. R.	
Pennsylvania Butter Pretzel Co.:		Smyrna Lowell Confectionery	
pretzels-----	13713	Co.:	
Pennsylvania Frosted Foods Co.:		Turkish Paste-----	13770
frozen asparagus-----	13824, 13825	Sound Packing Co.:	
Pharr Canning Co.:		crab meat-----	13797
canned mustard greens-----	13840	Southern Packing Co.:	
Picard Pharmacy, Inc.:		tomato juice-----	13704
Dr. Schultz Vitalic Egg-Maker-	13890	Southern Terminal Warehouse:	
Pitt Chocolate Co. See Hershey,		soy flour-----	13748
R. Z.		Southwestern Nut & Oil Co.:	
Prairie City Canning Co.:		peanut butter-----	13862
tomato puree and canned to-		Southwestern Wholesale Grocery	
matoes-----	13842	Co.:	
Purity Milk Co.:		flour-----	13741
butter-----	13783	Sparer, Sidney:	
Quality Macaroni Co.:		pickles-----	13834
macaroni products-----	13749		

<sup>1</sup> (13807) Prosecution contested.<sup>3</sup> (13867) Seizure contested.



	N. J. No.		N. J. No.
Springfield Sales Co.:		Valiente & Co.:	
flour-----	13735	pineapple juice-----	13702
Standard Candy Co.:		Van Dam, G. A.:	
See Schingen, F. C.		pulverized oats-----	13755
Star Canning Co.:		Van Dam & Sons. See Van Dam,	
canned blackberries-----	13801	G. A.	
Stokely-Van Camp, Inc.:		Ventura Farms Frozen Foods,	
Mexican style beans-----	13828	Inc.:	
Sunset Fruit Co.:		frozen lima beans----- <sup>2</sup>	13826
canned peaches-----	13803	Venus Wholesale Co. See Picard	
Supreme Dairy Products Co.:		Pharmacy, Inc.	
Cheddar cheese-----	13787	W. H. Y. & Kevo Products Co.,	
Taylor-Reed Corp.:		Ltd.:	
frosting mix-----	13774	Kevo Enurgets-----	13887
Thomas & Co.:		Wade, A. E. See Wade, E. E.	
canned corn-----	13830	Wade, E. E.:	
Thomas & Drake Canning Co.:		gelatin dessert-----	13893
canned mustard greens-----	13839	Waldman, Lew:	
Tiedemann & McMorran:		cream-----	13790
canned fruit cocktail-----	13805	Wegman's Food Markets, Inc.:	
Tubbs Co.:		oatmeal-----	13756
Absorbex C-----	13897, 13899	Wenatchee Food:	
M-----	13898, 13899	canned cherries-----	13802
Twin City Wholesale Grocer Co.:		Whiteside Cannery:	
tomato catsup-----	13848	canned mustard greens-----	13840
Uddo & Taormina Co.:		Whorton, W. F.:	
tomato puree-----	13844	crab meat-----	13797
Unita Packing Co.:		Wilder Cooperative Creamery	
oil-----	13865	Assoc.:	
Universal Food Distributing Co.:		butter-----	13782
rice-----	13758	Willard, R. S.:	
Vagin Packing Co.:		Protam-----	13886
dried apricots-----	13808	Wolf, H. A.:	
Valentine, Joe & Sons.:		flour-----	13720
dried apples-----	13806	Woods Cross Canning Co.:	
		tomato catsup-----	13849, 13850

<sup>2</sup> (13826) Prosecution contested. Contains order of the court.

## ERRATA

**F. N. J. 13392, p. 483.** After DISPOSITION, delete "June 24, 1948. A plea of guilty having been entered, the defendant" and substitute "September 10, 1948. Default decree of condemnation and de-"

**F. N. J. 13437, line 5, p. 497.** Delete "62235" and substitute "69935"

**Index, column 2, p. 526.** After National Drug Laboratories, Inc., delete N. J. No. "13470" and substitute "13479"

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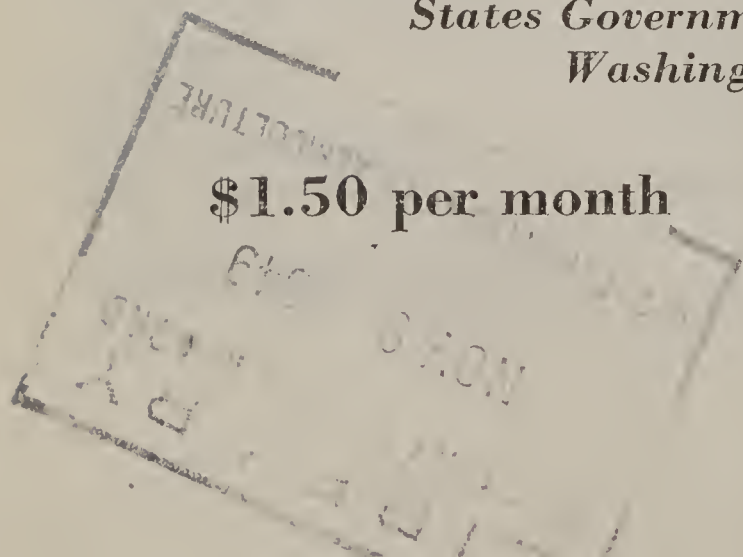
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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

13901-14100

FOODS

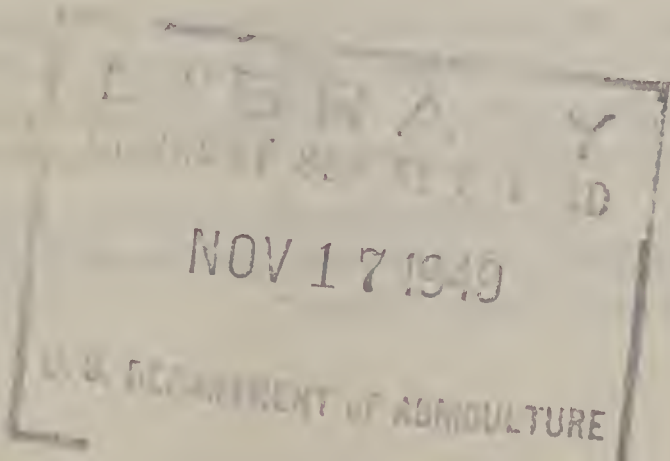
The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

J. DONALD KINGSLEY, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., June 27, 1949.

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**BEVERAGES AND BEVERAGE MATERIALS**

**13901. Adulteration and misbranding of grape juice. U. S. v. 195 Cases \* \* \*.**  
(F. D. C. No. 25423. Sample No. 27638-K.)

**LIBEL FILED:** August 27, 1948, Western District of Arkansas.

**ALLEGED SHIPMENT:** On or about August 11, 1948, by Milgram Food Stores, from Kansas City, Mo. This was a return shipment.

**PRODUCT:** 195 cases, each containing 12 quart bottles, of grape juice at Springdale, Ark.

**LABEL, IN PART:** "Welch's 1 Quart Net Pure Concord Grape Juice Sugar Added Distributed by The Welch Grape Juice Company, Westfield, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), fermented grape juice had been substituted in whole or in part for grape juice.

Misbranding, Section 403 (a), the label statement "Pure Concord Grape Juice Sugar Added" was false and misleading since the product was fermented grape juice containing more alcohol than is contained in grape juice with sugar added.

**DISPOSITION:** December 18, 1948. Default decree of condemnation and destruction.

**13902. Adulteration of pineapple juice. U. S. v. 26 Cases \* \* \* (and 2 other seizure actions).** (F. D. C. Nos. 24911, 24912, 25387. Sample Nos. 6137-K, 12710-K, 12711-K.)

**LIBELS FILED:** June 24 and August 17, 1948, Eastern and Western Districts of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 18, 1947, by the Globe Grocery Co., from Lawrenceburg, Ind.

**PRODUCT:** Pineapple juice. 26 cases at Philadelphia, Pa., 45 cases at West Chester, Pa., and 150 cases at Woodville, Pa. Each case contained 6 cans.

**LABEL, IN PART:** "Blue Diamond Brand Pineapple Juice Contents 2 Qts. 1 Pt., 15 Fl. Ozs. Packed by Corozal Canning Co., Inc. Corozal, Puerto Rico."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and fragments, and portions consisted in part of a decomposed substance by reason of the presence of decomposed pineapple material.

**DISPOSITION:** September 14 and December 20, 1948. Default decrees of condemnation and destruction.

**13903. Adulteration of wine. U. S. v. 55 Cases, etc. (and 1 other seizure action).**  
(F. D. C. Nos. 23107, 23149. Sample Nos. 55024-H, 55027-H, 55028-H.)

**LIBELS FILED:** On or about May 9 and 30, 1947, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about July 30, 1946, and March 11, 1947, by Car-Cal Winery, from Greensboro, N. C.

**PRODUCT:** Wine. 35 cases, each containing 4 1-gallon jugs; 204 cases, each containing 24 1-pint bottles; and 163 cases, each containing 12 1/2-gallon bottles, at Columbia, S. C. Analysis showed that the product contained monochloroacetic acid ranging from 22 to 149 parts per million.

**LABEL, IN PART:** "Old Duke Brand American Blackberry [or "100% Pure American Red Grape," "American Red Grape," "American Elderberry," or "American Concord Grape"] Wine."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

**DISPOSITION:** The consignee entered an appearance as claimant and filed a bond, conditioned that the product be disposed of in compliance with the law. On January 24, 1948, the product was destroyed by the marshal. On February 26, 1948, the court having found that the undertakings of the bond had been fulfilled, the bond was released.

**13904. Adulteration of wine. U. S. v. 23 Cases \* \* \*. (F. D. C. No. 23144. Sample No. 55030-H.)**

**LIBEL FILED:** On or about May 30, 1947, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about July 26, 1946, by the Robbins Wine Co., from Bronx, N. Y.

**PRODUCT:** 23 cases, each containing 12 1/5-gallon bottles, of wine at Columbia, S. C. Analysis showed that the product contained 185 parts per million of monochloroacetic acid.

**LABEL, IN PART:** "Jericho Brand American Sweet Red Grape Wine."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

**DISPOSITION:** The consignee entered an appearance as claimant and filed a bond, conditioned that the product be disposed of in compliance with the law. On January 24, 1948, the product was destroyed by the marshal. On February 26, 1948, the court having found that the undertakings of the bond had been fulfilled, the bond was released.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**13905. Adulteration of oatmeal cookies and bread. U. S. v. Sobray's Bakery. Plea of guilty. Fine, \$750. (F. D. C. No. 24804. Sample Nos. 6669-K, 6673-K, 6674-K.)**

**INFORMATION FILED:** October 21, 1948, Northern District of West Virginia, against Sobray's Bakery, a partnership, Wheeling, W. Va.

**ALLEGED SHIPMENT:** On or about March 18, 1948, from the State of West Virginia into the State of Ohio.

**LABEL, IN PART:** "Sobray's Vienna Bread" and "Sobray's Fine Bread." The oatmeal cookies were unlabeled.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under unsanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** November 24, 1948. A plea of guilty having been entered, the court imposed a fine of \$750.

**13906. Adulteration of Boston brown bread. U. S. v. 44 Cases \* \* \*. (F. D. C. Nos. 25731, 25732. Sample Nos. 187-K, 1312-K.)**

**LIBELS FILED:** October 20, 1948, Middle District of Georgia.

**ALLEGED SHIPMENT:** In the fall of 1946, from Chattanooga, Tenn.

**PRODUCT:** 146 cases, each containing 24 12-ounce cans, of Boston brown bread at Albany and Columbus, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 13, 1948. Default decrees of condemnation and destruction.

**13907. Adulteration of cookies. U. S. v. 50 Packages \* \* \*. (F. D. C. No. 25409. Sample No. 19939-K.)**

**LIBEL FILED:** August 25, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about July 14, 1948, by the Carr-Consolidated Biscuit Co., from Wilkes-Barre, Pa.

**PRODUCT:** 50 bulk packages of cookies at Portsmouth, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), it was prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 18, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as stock feed.

**13908. Adulteration of pretzels. U. S. v. 39 Cans, etc. (F. D. C. No. 25555. Sample Nos. 12186-K, 12187-K.)**

**LIBEL FILED:** September 9, 1948, District of Delaware.

**ALLEGED SHIPMENT:** On or about August 11, 1948, by the Hendricks Pretzel Co., from Pottstown, Pa.

**PRODUCT:** 39 4½-pound cans and 43 5-pound cans of pretzels at Wilmington, Del.

**LABEL, IN PART:** (Can) "Hendricks Thin Butter Pretzels" or "Hendricks Butter Pretzels Net Weight 5 Lbs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 23, 1948. Default decree of condemnation and destruction. The containers were ordered returned to the Hendricks Pretzel Co.

**13909. Adulteration of pretzels. U. S. v. 104 Cartons, etc. (F. D. C. No. 25498. Sample Nos. 9219-K, 9220-K.)**

**LIBEL FILED:** August 25, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 20, 1948, by the Columbia Pretzel Co., from Columbia, Pa.

**PRODUCT:** Pretzels. 104 cartons, each containing 12 5¾-ounce bags, and 27 caddies, each containing 7 pounds, at Bronx, N. Y.

**LABEL, IN PART:** (Bag) "Midgets Toasted Pretzels"; (caddy) "Mutual Biscuit Co. 7 Lbs. Midget Thin Pretzel."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 14, 1948. Default decree of condemnation and destruction.

**13910. Adulteration of pretzels. U. S. v. 36 Cartons \* \* \*. (F. D. C. No. 25710. Sample No. 7678-K.)**

**LIBEL FILED:** October 13, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about September 29, 1948, by Num Num Foods, Inc., from Cleveland, Ohio.

**PRODUCT:** 36 cartons, each containing 42 bags, of pretzels at Buffalo, N. Y.

**LABEL, IN PART:** "Num Num New Process Pretzels 10 count."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 8, 1948. Default decree of condemnation and destruction.

**13911. Adulteration of Soy Puffs. U. S. v. 81 Bags \* \* \*. (F. D. C. No. 25642. Sample No. 27467-K.)**

**LIBEL FILED:** September 16, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** About September 1947, from Peoria, Ill.

**PRODUCT:** 81 50-pound bags of Soy Puffs at St. Louis, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 14, 1948. Default decree of condemnation. The product was ordered sold for purposes other than for human consumption.

#### **CORN MEAL\***

**13912. Adulteration of corn meal. U. S. v. The Auburn Mills. Plea of nolo contendere. Fine of \$400 and costs. (F. D. C. No. 21506. Sample Nos. 52886-H, 52887-H, 53265-H, 53270-H, 53271-H.)**

**INFORMATION FILED:** April 28, 1947, Western District of Kentucky, against the Auburn Mills, a partnership, Auburn, Ky.

**ALLEGED SHIPMENT:** On or about May 11 and 21 and July 16, 1946, from the State of Kentucky into the State of Tennessee.

**LABEL, IN PART:** "The Auburn Mills Scott's Pearl Bolted Corn Meal Scott Bros. Auburn, Ky."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta and rodent excreta fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

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\* See also Nos. 13921, 13965.

DISPOSITION: December 13, 1948. A plea of nolo contendere having been entered, the defendant was fined \$400 and costs.

**13913. Adulteration of corn meal. U. S. v. 77 Bales, etc.** (F. D. C. No. 25548. Sample Nos. 73-K, 74-K, 92-K.)

LIBEL FILED: September 13, 1948, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about August 12, 1948, by the Gurley Milling Co., from Florence, S. C.

PRODUCT: 8,200 pounds of corn meal at Princeton, N. C.

LABEL, IN PART: "G. M. C. Sifted Unbolted White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect fragments.

DISPOSITION: October 7, 1948. Gurley Milling Co., Inc., having appeared as claimant, judgment was entered ordering the product released under bond for conversion into hog feed, under the supervision of the Food and Drug Administration.

**13914. Adulteration of corn meal. U. S. v. 601 Bags, etc.** (F. D. C. No. 25219. Sample Nos. 285-K, 286-K.)

LIBEL FILED: July 27, 1948, Middle District of Georgia.

ALLEGED SHIPMENT: On or about July 9, 1948, by the Manning Milling Co., from Manning, S. C.

PRODUCT: Corn meal. 601 10-pound bags, 385 5-pound bags, and 17 100-pound bags at Macon, Ga.

LABEL, IN PART: (5- and 10-pound bags) "For Health's Sake Eat South Carolina Grown Corn Meal Enriched By Nature."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 30, 1948. Claude Dinkins, trading as the Manning Milling Co., Manning, S. C., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

**13915. Adulteration of corn meal. U. S. v. 450 Bags \* \* \*. (F. D. C. No. 25554. Sample Nos. 856-K to 858-K, incl.)**

LIBEL FILED: September 2, 1948, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 3 and 16, 1948, by the Dixie Lily Milling Co., from Juliette, Ga.

PRODUCT: 450 100-pound bags of corn meal at Tampa, Fla.

LABEL, IN PART: (Bag) "100 Lbs Net Weight White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, larvae parts, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 22, 1948. The Kinchafoonee Milling Co., Tampa, Fla., claimant, having consented to the entry of a decree, judgment of condemnation



was entered and the product was ordered released under bond to be converted into stock or chicken feed, under the supervision of the Federal Security Agency.

**13916. Adulteration of corn meal. U. S. v. 170 Bags \* \* \*. (F. D. C. No. 25248. Sample No. 19638-K.)**

**LIBEL FILED:** On or about August 6, 1948, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about July 15, 1948, by J. A. McDonald & Sons, from Rogersville, Tenn.

**PRODUCT:** 170 25-pound bags of corn meal at Gate City, Va.

**LABEL, IN PART:** "Choice Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 27, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use other than for human consumption.

**13917. Adulteration of corn meal. U. S. v. 76 Bags \* \* \*. (F. D. C. No. 25649. Sample Nos. 1102-K, 1103-K.)**

**LIBEL FILED:** September 17, 1948, Middle District of Alabama.

**ALLEGED SHIPMENT:** On or about August 20 and 31, 1948, by Omaha Mills, from Omaha, Ga.

**PRODUCT:** 76 10-pound bags of corn meal at Eufaula, Ala.

**LABEL, IN PART:** "Omaha Mills Water Ground Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

**DISPOSITION:** October 19, 1948. Default decree of condemnation and destruction.

**13918. Adulteration of corn meal. U. S. v. 15 Bags \* \* \*. (F. D. C. No. 25712. Sample No. 23626-K.)**

**LIBEL FILED:** October 19, 1948, Northern District of Mississippi.

**ALLEGED SHIPMENT:** On or about September 23, 1948, by Reed Brothers, from Vernon, Ala.

**PRODUCT:** 15 25-pound bags of corn meal at Pontotoc, Miss.

**LABEL, IN PART:** "Bolted Pilgrim Enriched White Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product contained poisonous and deleterious substances injurious to health, and consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, and rodent excreta.

**DISPOSITION:** December 2, 1948. Consent decree of condemnation and destruction.

**13919. Adulteration of corn meal and Bisquick. U. S. v. 6 Cases, etc. (F. D. C. No. 25646. Sample Nos. 31455-K, 31456-K.)**

**LIBEL FILED:** September 20, 1948, District of Nevada.

**ALLEGED SHIPMENT:** On or about November 8, 1947, from Ogden, Utah.

**PRODUCT:** 6 cases, each containing 12 3½-pound packages, of corn meal, and 7 cases, each containing 16 2-pound, 8-ounce packages, of Bisquick at Las Vegas, Nev.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 25, 1948. Default decree of condemnation and destruction.

**13920. Adulteration of corn meal and flour. U. S. v. Hurlock Milling Co., Inc., and Roland H. Windsor. Pleas of guilty. Defendants fined \$175 and costs. (F. D. C. No. 25307. Sample Nos. 2221-K, 2222-K, 2224-K, 2225-K, 3110-K, 3111-K, 3466-K, 3467-K.)**

**INFORMATION FILED:** October 21, 1948, District of Maryland, against Hurlock Milling Co., Inc., Hurlock, Md., and Roland H. Windsor, secretary-treasurer.

**ALLEGED SHIPMENT:** Between the approximate dates of September 3, 1947, and May 26, 1948, from the State of Maryland into the States of Delaware and Virginia.

**LABEL, IN PART:** "White Table Meal" or "White Swan Bleached Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect larvae, insect fragments, mites, feather fragments, rodent hair fragments, and rodent excreta pellet fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** January 28, 1949. Pleas of guilty having been entered, the defendants jointly were fined \$175 and costs.

#### FLOUR\*

Nos. 13921 to 13955 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

**13921. Adulteration of flour and corn meal. U. S. v. Charles Leo Kingrea (Kingrea Milling Co.). Plea of guilty. Fine, \$225. (F. D. C. No. 25316. Sample Nos. 85626-H, 85632-H, 85633-H, 85635-H, 2887-K to 2900-K, incl., 2904-K, 2905-K.)**

**INFORMATION FILED:** October 13, 1948, Western District of Virginia, against Charles Leo Kingrea, trading as the Kingrea Milling Co., Narrows, Va.

**ALLEGED SHIPMENT:** Between the approximate dates of May 16, 1947, and April 5, 1948, from the State of Virginia into the State of West Virginia.

**LABEL, IN PART:** "Morning Glory \* \* \* Flour," "The Narrows Waterground Meal," or "Enriched Angels' Rest Pastry Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect larvae, insect fragments and parts, mites, rodent hair fragments, and rodent excreta pellet fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

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\*See also No. 13920.



**DISPOSITION:** January 3, 1949. A plea of guilty having been entered, the defendant was fined \$225.

**13922. Adulteration of corn flour. U. S. v. 405 Sacks \* \* \*. (F. D. C. No. 25740. Sample No. 5060-K.)**

**LIBEL FILED:** September 8, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about June 3, 1948, from Milwaukee, Wis.

**PRODUCT:** 405 100-pound sacks of corn flour at Lawrence, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 29, 1948. The Radio Foods Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

**13923. Adulteration of flour. U. S. v. Judah I. Stover (Springdale Flour Mills). Plea of guilty. Fine, \$300. (F. D. C. No. 24266. Sample Nos. 427-K, 3410-K.)**

**INFORMATION FILED:** June 7, 1948, Western District of Virginia, against Judah I. Stover, trading as Springdale Flour Mills, Bartonville, Va.

**ALLEGED SHIPMENT:** On or about October 24 and 28, 1947, from the State of Virginia into the States of South Carolina and West Virginia.

**LABEL, IN PART:** "Springdale Flour Mills Jack Frost \* \* \* Phosphated Bleached Flour" or "Yellow Spring Milling Co. Manufacturers of Sifted Snow Pure Wheat Flour \* \* \* Yellow Spring, W. Va."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and parts, rodent hair fragments, and mites; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 25, 1948. A plea of guilty having been entered, the court imposed a fine of \$300.

**13924. Adulteration of flour. U. S. v. Ph. H. Postel Milling Co. Plea of guilty. Fine of \$1,000 and costs. (F. D. C. No. 25330. Sample Nos. 160-K, 161-K, 275-K to 277-K, incl., 22301-K to 22303-K, incl., 22305-K.)**

**INFORMATION FILED:** November 22, 1948, Eastern District of Illinois, against the Ph. H. Postel Milling Co., a corporation, Mascoutah, Ill.

**ALLEGED SHIPMENT:** On or about May 17 and 28 and June 3, 1948, from the State of Illinois into the States of Mississippi and Georgia.

**LABEL, IN PART:** "Elegant Enriched Soft Wheat Phosphated Bleached Flour," "Elegant Enriched Self-Rising Bleached Flour," or "Jack Special Phosphated Bleached Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hair, and rodent hair fragments; and (portion), Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 21, 1949. A plea of guilty having been entered, the defendant was fined \$1,000, plus costs.

**13925. Adulteration of flour. U. S. v. 600 Bags \* \* \*. (F. D. C. No. 25797. Sample No. 19188-K.)**

**LIBEL FILED:** October 7, 1948, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about August 19, 1948, from Kansas City, Mo.

**PRODUCT:** 600 bags, each containing 100 pounds, of flour at Louisville, Ky.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of insect infestation. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 26, 1948. The Linker Bros. Baking Co., Louisville, Ky., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be used as stock feed or in the manufacture of paste, under the supervision of the Food and Drug Administration.

**13926. Adulteration of flour. U. S. v. 32 Bags, etc. (F. D. C. No. 25794. Sample Nos. 185-K, 186-K.)**

**LIBEL FILED:** October 8, 1948, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about April 22 and August 13, 1948, from Denver, Colo.

**PRODUCT:** 32 50-pound bags, 11 25-pound bags, 8 10-pound bags, and 40 5-pound bags of flour at McRae, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 29, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**13927. Adulteration of flour. U. S. v. 40 Bags \* \* \*. (F. D. C. No. 25494. Sample No. 984-K.)**

**LIBEL FILED:** On or about August 31, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about June 15, 1948, from White Water, Kans.

**PRODUCT:** 40 50-pound bags of flour at Rome, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 16, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as animal feed.

**13928. Adulteration of flour. U. S. v. 46 Bags \* \* \*. (F. D. C. No. 25777. Sample No. 1401-K.)**

**LIBEL FILED:** September 23, 1948, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about April 14, 1948, from Louisville, Ky.

**PRODUCT:** 46 100-pound bags of flour at Charlotte, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 26, 1948. Ballard & Ballard Co., Charlotte, N. C., claimant, having consented to the entry of a decree, judgment of condemnation was



entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

**13929. Adulteration of flour. U. S. v. 78 Sacks, etc.** (F. D. C. No. 25772. Sample No. 1104-K.)

**LIBEL FILED:** September 27, 1948, Northern District of Florida.

**ALLEGED SHIPMENT:** On or about June 23, 1948, from Johnson City, Tenn.

**PRODUCT:** Flour. 95 25-pound sacks, 255 10-pound sacks, and 10 50-pound sacks at Tallahassee, Fla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 4, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**13930. Adulteration of flour. U. S. v. 170 Bags, etc.** (F. D. C. No. 25750. Sample Nos. 786-K to 789-K, incl.)

**LIBEL FILED:** September 15, 1948, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about April 7, 21, and 22, 1948, from Fort Worth, Tex., Hopkinsville, Ky., and St. Joseph, Mo.

**PRODUCT:** 329 25-pound bags of flour at Sanford, Fla.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** November 3, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**13931. Adulteration of flour. U. S. v. 9 Bags \* \* \*.** (F. D. C. No. 25747. Sample No. 790-K.)

**LIBEL FILED:** September 15, 1948, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about April 17, 1948, from Dallas, Tex.

**PRODUCT:** 9 100-pound bags of flour at Sanford, Fla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 3, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**13932. Adulteration of flour. U. S. v. 20 Bags \* \* \*.** (F. D. C. No. 25698. Sample No. 8976-K.)

**LIBEL FILED:** October 12, 1948, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 20 and August 30, 1948, from Minneapolis and Hastings, Minn.

**PRODUCT:** 20 100-pound bags of flour in the possession of Quackenbush Warehouse Co., Inc., Scranton, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent hair fragments; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 9, 1948. Default decree of condemnation. The product was ordered denatured and sold for use as hog feed.

**13933. Adulteration of flour. U. S. v. 140 Bags \* \* \*. (F. D. C. No. 25690. Sample No. 23620-K.)**

LIBEL FILED: October 12, 1948, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about March 9, 1948, from Shawnee, Okla.

PRODUCT: 140 25-pound bags of flour at Macon, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 17, 1948. Default decree of condemnation. The product was ordered denatured and delivered to some charitable institution, for use as animal feed.

**13934. Adulteration of flour. U. S. v. 70 Bags \* \* \*. (F. D. C. No. 25677. Sample No. 1311-K.)**

LIBEL FILED: September 29, 1948, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 18, 1948, from Fort Worth, Tex.

PRODUCT: 70 25-pound bags of flour at Monticello, Ga., in possession of the J. S. Wilson Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 22, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**13935. Adulteration of flour. U. S. v. 30 Bags \* \* \*. (F. D. C. No. 25513. Sample No. 40151-K.)**

LIBEL FILED: September 14, 1948, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about July 1, 1948, from Richmond, Va.

PRODUCT: 30 100-pound bags of flour at Kinston, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 30, 1948. Default decree of condemnation and destruction.

**13936. Adulteration of flour. U. S. v. 10 Bags, etc. (F. D. C. No. 25499. Sample Nos. 40149-K, 40150-K.)**

LIBEL FILED: August 27, 1948, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about June 4, 1948, from Fort Worth, Tex.

PRODUCT: 10 100-pound bags and 12 50-pound bags of flour at Wilmington, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.



**DISPOSITION:** November 11, 1948. Default decree of condemnation and destruction.

**13937. Adulteration of flour. U. S. v. 7 Bags, etc.** (F. D. C. No. 25497. Sample Nos. 40146-K to 40148-K, incl.)

**LIBEL FILED:** August 27, 1948, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about May 5, 1948, from Grand Rapids, Mich.

**PRODUCT:** 14 100-pound bags and 19 50-pound bags of flour in the possession of Peele & Co., at Roxobel, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 11, 1948. Default decree of condemnation and destruction.

**13938. Adulteration of flour. U. S. v. 172 Bags \* \* \*.** (F. D. C. No. 25493. Sample No. 5037-K).

**LIBEL FILED:** August 23, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about June 3, 1948, from Black Rock, N. Y.

**PRODUCT:** 172 100-pound bags of flour at Norwich, Conn., in possession of the Yantic Grain & Products Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 30, 1948. The Yantic Grain & Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the contaminated portion, under the supervision of the Federal Security Agency. Of the seized goods, 86 bags were released as fit and the remaining 86 bags were denatured and disposed of for use as animal feed.

**13939. Adulteration of flour. U. S. v. 19 Bags \* \* \*.** (F. D. C. No. 25492. Sample No. 40140-K.)

**LIBEL FILED:** August 27, 1948, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about June 11, 1948, from Richmond, Va.

**PRODUCT:** 19 50-pound bags of flour at Wilson, N. C., in possession of the Southern Grain & Provision Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 6, 1949. Default decree of condemnation and destruction.

**13940. Adulteration of flour. U. S. v. 271 Bags \* \* \*.** (F. D. C. No. 25428. Sample No. 23501-K.)

**LIBEL FILED:** September 3, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about March 16 and April 26, 1948, from Ogden, Utah.

**PRODUCT:** 153 25-pound, 62 10-pound, and 56 5-pound bags of flour at Shreveport, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 17, 1948. Baker, Lawhon & Ford, Inc., Shreveport, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

**13941. Adulteration of flour. U. S. v. 22 Bags \* \* \*. (F. D. C. No. 25395. Sample No. 19944-K.)**

**LIBEL FILED:** August 23, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about March 3, April 8, and June 5, 1948, from Minneapolis, Minn.

**PRODUCT:** 22 100-pound bags of flour at Columbus, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 19, 1948. Default decree ordering the product delivered to a Federal institution, for use as stock feed.

**13942. Adulteration of flour. U. S. v. 130 Sacks \* \* \*. (F. D. C. No. 25672. Sample No. 23564-K.)**

**LIBEL FILED:** September 27, 1948, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about May 5, 1948, from Alton, Ill.

**PRODUCT:** 130 100-pound sacks of flour at Jackson, Miss.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 7, 1948. The Magnolia Candy & Cookie Co., Jackson, Miss., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

**13943. Adulteration of flour. U. S. v. 30 Bags \* \* \*. (F. D. C. No. 25663. Sample No. 44504-K.)**

**LIBEL FILED:** September 22, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 4, 1948, from Minneapolis, Minn.

**PRODUCT:** 30 100-pound bags of flour at Cincinnati, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.



DISPOSITION: February 11, 1949. Default decree of condemnation and destruction.

**13944. Adulteration of flour. U. S. v. 34 Sacks \* \* \*. (F. D. C. No. 25657. Sample No. 23562-K.)**

LIBEL FILED: September 21, 1948, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 22 and 23, 1946, from Wellington, Kans.

PRODUCT: 34 100-pound sacks of flour at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 8, 1948. Default decree of condemnation and destruction.

**13945. Adulteration of flour. U. S. v. 38 Bags, etc. (F. D. C. No. 25562. Sample Nos. 782-K, 783-K.)**

LIBEL FILED: September 10, 1948, Northern District of Florida.

ALLEGED SHIPMENT: On or about May 28, 1948, from Hopkinsville, Ky.

PRODUCT: 188 25-pound bags of flour at Perry, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 11, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use other than for human consumption.

**13946. Adulteration of flour. U. S. v. 31 Bags \* \* \*. (F. D. C. No. 25558. Sample No. 5483-K.)**

LIBEL FILED: September 8, 1948, District of New Hampshire.

ALLEGED SHIPMENT: On or about August 3, 1848, from Black Rock, N. Y.

PRODUCT: 31 100-pound bags of flour at Manchester, N. H.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 19, 1948. Default decree of condemnation and destruction.

**13947. Adulteration of self-rising flour. U. S. v. 39 Bags \* \* \*. (F. D. C. No. 25795. Sample No. 184-K.)**

LIBEL FILED: October 8, 1948, Southern District of Georgia.

ALLEGED SHIPMENT: On or about August 25, 1948, from Memphis, Tenn.

PRODUCT: 39 50-pound bags of self-rising flour at McRae, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 29, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**13948. Adulteration of flour. U. S. v. 42 Bags \* \* \*. (F. D. C. No. 25748. Sample No. 990-K.)**

**LIBEL FILED:** September 16, 1948, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about April 15, 1948, from Kansas City, Mo.

**PRODUCT:** 42 50-pound bags of flour at Pickens, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 23, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**13949. Adulteration of flour. U. S. v. 23 Bags \* \* \*. (F. D. C. No. 25749. Sample No. 991-K.)**

**LIBEL FILED:** September 16, 1948, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about June 9, 1948, from Richmond, Va.

**PRODUCT:** 23 50-pound bags of flour at Seneca, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 23, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**13950. Adulteration of flour. U. S. v. 67 Bags \* \* \*. (F. D. C. No. 25759. Sample No. 497-K.)**

**LIBEL FILED:** September 17, 1948, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about July 2 and August 12, 1948, from Roanoke, Va.

**PRODUCT:** 67 100-pound bags of flour in the possession of S. L. Collins, Winston-Salem, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 14, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**13951. Adulteration of flour. U. S. v. 161 Bags \* \* \*. (F. D. C. No. 25760. Sample No. 498-K.)**

**LIBEL FILED:** September 16, 1948, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about July 3, 1947, from Hutchinson, Kans.

**PRODUCT:** 161 25-pound bags of flour at Winston-Salem, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 14, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.



**13952. Adulteration of barley flour. U. S. v. 150 Bags \* \* \*. (F. D. C. No. 25655. Sample No. 32393-K.)**

**LIBEL FILED:** September 20, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about January 4, 1946, from Akron, Ohio.

**PRODUCT:** 150 100-pound bags of barley flour in the possession of the H. J. Heinz Co., Berkeley, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 26, 1948. The H. J. Heinz Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

**13953. Adulteration of rye flour. U. S. v. 30 Bags \* \* \*. (F. D. C. No. 25071. Sample No. 767-K.)**

**LIBEL FILED:** July 8, 1948, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about March 25, 1948, from Alton, Ill.

**PRODUCT:** 30 100-pound bags of rye flour at Jacksonville, Fla., in the possession of the American Warehouse Corp.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent urine; and, Section 402 (a) (4), in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 1, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**13954. Adulteration of soy flour. U. S. v. 66 Bags \* \* \*. (F. D. C. No. 25676. Sample No. 40657-K.)**

**LIBEL FILED:** September 30, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about June 26, 1948, from Chicago, Ill.

**PRODUCT:** 66 100-pound bags of soy flour at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 14, 1948. The Glidden Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and product was ordered released under bond to be denatured and converted into animal feed, under the supervision of the Federal Security Agency.

**13955. Adulteration of pancake flour. U. S. v. 13 Bales \* \* \*. (F. D. C. No. 24984. Sample No. 18074-K.)**

**LIBEL FILED:** June 30, 1948, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about May 1, 1948, by Virginia Sweet Foods, Inc., from Findlay, Ohio.

**PRODUCT:** 13 bales, each containing 10 5-pound packages, of pancake flour at Indianapolis, Ind.

**LABEL, IN PART:** "Virginia Sweet Pancake Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 24, 1948. Default decree of forfeiture and destruction.

### MACARONI AND NOODLE PRODUCTS

**13956. Adulteration of macaroni products. U. S. v. Cardinale Macaroni Mfg. Co., Inc., and Andrew Cardinale. Pleas of guilty. Corporation fined \$7,500 and Andrew Cardinale \$2,000. (F. D. C. No. 19534. Sample Nos. 5848-H, 5851-H.)**

**INFORMATION FILED:** April 15, 1948, Eastern District of New York, against Cardinale Macaroni Mfg. Co., Inc., Maspeth, L. I., N. Y., and Andrew Cardinale, president.

**ALLEGED SHIPMENT:** On or about April 17, 1945, from the State of New York into the State of New Jersey.

**LABEL, IN PART:** "Cardinale Grade A 10 Spaghetini," and "Cardinale Grade A 34 Ditali."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments, mites, and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** November 10, 1948. Pleas of guilty having been entered, the court imposed a fine of \$7,500 against the corporation and a fine of \$2,000 against Andrew Cardinale.

**13957. Adulteration of macaroni. U. S. v. Liberty Macaroni Mfg. Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 25306. Sample No. 6945-K.)**

**INFORMATION FILED:** September 30, 1948, Western District of New York, against the Liberty Macaroni Mfg. Co., Inc., Buffalo, N. Y., and Joseph V. Lojacono, secretary and general manager.

**ALLEGED SHIPMENT:** June 22, 1948, from the State of New York into the State of Pennsylvania.

**LABEL, IN PART:** "Rigatoni Liberty Brand Highest Quality Semolina Macaroni."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect and rodent hair fragments.

**DISPOSITION:** November 1, 1948. A plea of guilty having been entered, the corporation was fined \$500.

**13958. Adulteration of macaroni products. U. S. v. 6 Cases, etc. (F. D. C. No. 24580. Sample Nos. 7226-K to 7230-K, incl.)**

**LIBEL FILED:** April 7, 1948, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about January 23, 1948, by the Avon Macaroni Co., from Avon, N. Y.



**PRODUCT:** 2,680 pounds of macaroni products at Towanda, Pa.

**LABEL, IN PART:** "Avon Brand Spaghetti [or "Thin Spaghetti" or "Elbow Macaroni"]" or "Semolina Elbows."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** December 13, 1948. The Avon Macaroni Co., claimant, having withdrawn its answer and consented to the entry of a decree, judgment of condemnation was entered and the products were ordered destroyed.

**13959. Adulteration and misbranding of egg noodles. U. S. v. 14 Cases, etc.**  
(F. D. C. No. 25778. Sample Nos. 10516-K, 10519-K.)

**LIBEL FILED:** September 27, 1948, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 20, 1948, by the Chasin Noodle Co., from Brooklyn, N. Y.

**PRODUCT:** 19 cases of egg noodles at Newark, N. J.

**LABEL, IN PART:** (Case) "Chasin's Pure Egg Noodles and Semolina Spaghetti 10 Lbs. Net."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, egg or egg yolk, had been in whole or in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for egg noodles since the total solids of the article contained less than 5.5 percent by weight of the solids of egg or egg yolk, the minimum permitted by the standard.

**DISPOSITION:** November 1, 1948. Default decree of condemnation. The product was ordered delivered to a charitable organization.

**13960. Adulteration and misbranding of egg noodles. U. S. v. 10 Cases \* \* \*.**  
(F. D. C. No. 25761. Sample No. 12719-K.)

**LIBEL FILED:** On or about September 23, 1948, District of New Jersey.

**ALLEGED SHIPMENT:** On or about June 25, 1948, by Magic Chef Food Products Co., from Bridgeport, Pa.

**PRODUCT:** 10 cases, each containing 24 8-ounce packages, of noodles at Camden, N. J.

**LABEL, IN PART:** (Package) "Magic Chef Enriched Egg Noodles."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), Valuable constituents, thiamine (vitamin B<sub>1</sub>), riboflavin (vitamin B<sub>2</sub>), and iron, had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as enriched egg noodles, a food for which a definition and standard of identity has been prescribed by the regulations, and it failed to conform to such definition and standard. The product contained less than 2 milligrams of thiamine, less than 1.20 milligrams of riboflavin, and less than 13 milligrams of iron per pound, whereas the regulations require that enriched egg noodles contain not less than 4 milligrams of thiamine, not less than 1.7 milligrams of riboflavin, and not less than 13 milligrams of iron per pound. Further misbranding, Section 403 (a), the label statement "Each four ounces of this product provides the following proportions of the minimum daily adult requirements of these essential food substances: Vitamin B<sub>1</sub>, 50%; Vitamin B<sub>2</sub>, 15%; Iron 32.5% \* \* \*" was false and misleading as applied

to a product which did not provide the stated proportions of the minimum daily requirements for vitamin B<sub>1</sub>, vitamin B<sub>2</sub>, and iron.

DISPOSITION: October 15, 1948. Default decree of condemnation. It was ordered that the labels of the product be destroyed and that the product be delivered to a charitable organization.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

13961. Adulteration of brewers flakes. U. S. v. 235 Bags \* \* \*. (F. D. C. No. 25664. Sample No. 24758-K.)

LIBEL FILED: September 23, 1948, District of Minnesota.

ALLEGED SHIPMENT: On or about October 16, 1947, from Milwaukee, Wis.

PRODUCT: 235 100-pound bags of brewers flakes at Red Wing, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 8, 1948. The Goodhue County Brewing Co., Red Wing, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed for use as animal feed, under the supervision of the Federal Security Agency.

13962. Adulteration of brewers rice. U. S. v. 167 Bags \* \* \*. (F. D. C. No. 25682. Sample No. 44166-K.)

LIBEL FILED: October 1, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 28 and June 15, 1948, from Stuttgart, Ark.

PRODUCT: 167 bags of brewers rice at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 13, 1948. Bruckmann Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured and converted into stock feed, under the supervision of the Federal Security Agency.

13963. Adulteration of brewers rice and brewers grits. U. S. v. 75 Bags, etc. (F. D. C. Nos. 25687 to 25689, incl. Sample Nos. 40740-K to 40742-K, incl.)

LIBELS FILED: October 6, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about June 4, 11, and 23, 1948, from Sacramento and Oakland, Calif., and Topeka, Kans.

PRODUCT: 75 100-pound bags of brewers rice and 961 100-pound bags of brewers grits at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 15, 1948. Sick's Seattle Brewing & Malting Co., Seattle, Wash., claimant, having consented to the entry of decrees, judgments of con-



demnation were entered and the products were ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

**13964. Adulteration of brewers grits. U. S. v. 78 Bags \* \* \*. (F. D. C. No. 25660. Sample No. 40739-K.)**

**LIBEL FILED:** September 28, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 7, 1947, from Clifton, Tex.

**PRODUCT:** 78 100-pound bags of brewers grits at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 15, 1948. Sick's Seattle Brewing & Malting Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

**13965. Adulteration of hominy grits and corn meal. U. S. v. 35 Bags, etc. (F. D. C. No. 25771. Sample Nos. 13258-K to 13260-K, incl.)**

**LIBEL FILED:** September 21, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 21, 1948, from Norfolk, Va.

**PRODUCT:** 35 100-pound bags of hominy grits and 70 100-pound bags of corn meal at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 26, 1948. Default decree of condemnation. The products were ordered delivered to a public institution, for use as animal feed.

**13966. Adulteration of soy grits. U. S. v. 22 Bags, etc. (F. D. C. No. 25652. Sample Nos. 23560-K, 23561-K.)**

**LIBEL FILED:** September 17, 1948, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about December 6, 1947, from Chicago, Ill.

**PRODUCT:** 62 100-pound bags of soy grits at New Orleans, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 10, 1948. Default decree of condemnation and destruction.

**13967. Adulteration of barley. U. S. v. 13 Bags \* \* \*. (F. D. C. No. 25803. Sample No. 9571-K.)**

**LIBEL FILED:** October 8, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about March 9, 1946, from Moscow, Idaho.

**PRODUCT:** 13 100-pound bags of barley at New York, N. Y.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: November 1, 1948. Default decree of condemnation and destruction.

**13968. Adulteration of corn. U. S. v. 60,000 Pounds \* \* \*. (F. D. C. No. 25432. Sample No. 23502-K.)**

LIBEL FILED: September 3, 1948, Western District of Louisiana.

ALLEGED SHIPMENT: On or about August 16, 1948, by the Continental Grain Co., Kansas City, Mo., and reshipped by Felix Meyer & Co., Inc., Fort Worth, Tex.

PRODUCT: 60,000 pounds of corn at Shreveport, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and insects.

DISPOSITION: November 3, 1948. Shreveport Grain & Elevator Co., Inc., Shreveport, La., having appeared as claimant, judgment was entered ordering the product released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was converted into animal feed.

**13969. Adulteration of popcorn. U. S. v. 75 Bags \* \* \*. (F. D. C. No. 25802. Sample No. 9577-K.)**

LIBEL FILED: October 8, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about March 13, 1947, from Henderson, Ky.

PRODUCT: 75 100-pound bags of popcorn at New York, N. Y.

NATURE OF CHARGE: The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: November 1, 1948. Default decree of condemnation and destruction.

**13970. Adulteration of rice. U. S. v. 196 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 25456, 25457. Sample Nos. 31254-K to 31256-K, incl., 31258-K, 31259-K.)**

LIBELS FILED: August 18, 1948, District of Arizona.

ALLEGED SHIPMENT: On or about May 21, 1948, by Rickert, Wessanen & Laan, Inc., from New Orleans, La.

PRODUCT: Rice. 312 cases, each containing 30 1-pound bags; 119 cases, each containing 15 2-pound bags; and 103 cases, each containing 20 3-pound bags, at Phoenix, Ariz.

LABEL, IN PART: (Bags) "Rickert Lass Rice" or "Lord Rickert Brand Long Grain Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 6, 1948. Rickert, Wessanen & Laan, Inc., claimant, having consented to the entry of the decrees, judgments of condemnation were entered. The product was ordered released under bond to be brought into compliance with the law by cleaning, reprocessing, remilling, and salvaging. The unfit portion was to be segregated and salvaged for animal feed or other nonhuman food purposes, under the supervision of the Federal Security Agency.

Of the 18,270 pounds of rice seized, 15,700 pounds were salvaged as edible rice, 600 pounds were rejected and disposed of for technical purposes, and 1,970 pounds were lost in the reconditioning operations.



**13971. Adulteration of rice. U. S. v. 94 Cases \* \* \*. (F. D. C. No. 25823. Sample No. 189-K.)**

**LIBEL FILED:** October 15, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about July 22, 1948, from Mermentau, La.

**PRODUCT:** 94 cases, each containing 20 3-pound bags, of rice at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 2, 1948. The Great Atlantic & Pacific Tea Co., Atlanta, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed, recleaned, and repacked under the supervision of the Food and Drug Administration.

Of the 6,300 pounds of rice seized, 5,900 pounds were released after the cleaning operations as satisfactory, and the remainder, consisting of screenings and debris, was denatured.

**13972. Adulteration of rice. U. S. v. 90 Bags \* \* \*. (F. D. C. No. 25723. Sample No. 40744-K.)**

**LIBEL FILED:** October 20, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 26, 1948, from Portland, Oreg., by Kong Loy.

**PRODUCT:** 90 100-pound bags of rice at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 16, 1948. Kong Loy, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of sorting and separating the good portion from the bad and denaturing the contaminated portion, under the supervision of the Federal Security Agency.

The uncontaminated portion was separated from the unfit portion, and the latter, consisting of 43 sacks, was resacked and reconditioned, resulting in the rejection of 105 pounds of the product.

**13973. Adulteration of rice. U. S. v. 26 Bags \* \* \*. (F. D. C. No. 25495. Sample No. 2278-K.)**

**LIBEL FILED:** August 24, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about March 12 and April 8, 1948, from Houston, Tex.

**PRODUCT:** 26 100-pound bags of rice at Salisbury, Md., in possession of T. L. Ruark & Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 11, 1948. Adolphus Rice Mills, Houston, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

**13974. Adulteration of rice. U. S. v. 5 Bags \* \* \*. (F. D. C. No. 25503. Sample No. 40152-K.)**

**LIBEL FILED:** August 27, 1948, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about March 1, 1948, from Norfolk, Va.

**PRODUCT:** 5 100-pound bags of rice at Ayden, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 11, 1948. Default decree of condemnation and destruction.

**13975. Adulteration of rice. U. S. v. 4 Cases \* \* \*. (F. D. C. No. 25644. Sample No. 31453-K.)**

**LIBEL FILED:** September 20, 1948, District of Nevada.

**ALLEGED SHIPMENT:** On or about January 26, 1948, from Los Angeles, Calif.

**PRODUCT:** 4 cases, each containing 12 2-pound bags, of rice at Las Vegas, Nev.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 25, 1948. Default decree of condemnation and destruction.

**13976. Adulteration of granulated rice. U. S. v. 26 Bags \* \* \*. (F. D. C. No. 25694. Sample No. 18286-K.)**

**LIBEL FILED:** October 11, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about May 3, 1948, from Houston, Tex.

**PRODUCT:** 26 100-pound bags of granulated rice at Toledo, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 8, 1948. Default decree of condemnation and destruction.

**13977. Adulteration of farina. U. S. v. 931 Sacks \* \* \*. (F. D. C. No. 25263. Sample No. 32389-K.)**

**LIBEL FILED:** August 13, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about June 3 and 28, 1948, from Moundridge, Kans.

**PRODUCT:** 931 100-pound sacks of farina at Oakland, Calif., in possession of the Gerber Products Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 30, 1948. Default decree of condemnation and destruction.

**13978. Adulteration of farina. U. S. v. 499 Bags \* \* \*. (F. D. C. No. 25699. Sample Nos. 32395-K, 34002-K.)**

**LIBEL FILED:** October 11, 1948, Northern District of California.



**ALLEGED SHIPMENT:** On or about July 13, 1948, from Moundridge, Kans.

**PRODUCT:** 499 100-pound bags of farina at Oakland, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold, and of a filthy substance by reason of the presence of insects and rodent urine. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 30, 1948. The Gerber Products Co. having intervened as claimant, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

**13979. Adulteration of farina. U. S. v. 199 Bags \* \* \*. (F. D. C. No. 25705. Sample Nos. 32396-K, 34001-K.)**

**LIBEL FILED:** October 15, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about July 8, 1948, from Portland, Oreg.

**PRODUCT:** 199 100-pound bags of farina at Oakland, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 30, 1948. The Gerber Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

**13980. Adulteration of rye meal and rye chops. U. S. v. 60 Bags, etc. (F. D. C. No. 25543. Sample Nos. 4909-K, 4910-K.)**

**LIBEL FILED:** September 1, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about January 17 and March 3, 1948, from Buffalo Junction and East Buffalo, N. Y.

**PRODUCT:** 60 100-pound bags of rye meal and 23 100-pound bags of rye chops at Norwich, Conn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 30, 1948. Phillip Feldman, trading as Feldman Bros., Norwich, Conn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond, conditioned that they be disposed of in compliance with the law. The products were denatured and disposed of for use as animal feed.

**13981. Adulteration of gingerbread mix. U. S. v. 84 Cases \* \* \*. (F. D. C. No. 25756. Sample No. 494-K.)**

**LIBEL FILED:** September 14, 1948, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about February 5 and March 5, 1947, from New York, N. Y.

**PRODUCT:** 84 cases, each containing 24 14 $\frac{1}{4}$ -ounce packages, of gingerbread mix at Salisbury, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 20, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as stock feed.

**13982. Adulteration of gingerbread mix. U. S. v. 12 Cases \* \* \*. (F. D. C. No. 25675. Sample No. 23400-K.)**

**LIBEL FILED:** September 28, 1948, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about December 24, 1947, from New York, N. Y.

**PRODUCT:** 12 cases, each containing 24 14 $\frac{1}{4}$ -ounce packages, of gingerbread mix at New Orleans, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 8, 1948. Default decree of condemnation and destruction.

**13983. Adulteration of gingerbread and cake mixes. U. S. v. 60 Cases, etc. F. D. C. No. 25807. Sample Nos. 1402-K to 1404-K, incl.)**

**LIBEL FILED:** August 7, 1948, Western District of North Carolina.

**ALLEGED SHIPMENT:** Between the approximate dates of April 1 and December 1, 1947, from Bartow, Fla., and Brooklyn, N. Y.

**PRODUCT:** 98 cases, each containing 24 14- or 14 $\frac{1}{2}$ -ounce packages, of gingerbread and cake mixes at Morganton, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 30, 1948. Default decree of condemnation. The products were ordered delivered to a State institution, for use as animal feed.

**13984. Adulteration of cake mix. U. S. v. 20 Cases, etc. (F. D. C. No. 25815. Sample Nos. 1407-K to 1409-K, incl.)**

**LIBEL FILED:** October 12, 1948, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about December 16, 1946, and April 29 and May 14, 1947, from Brooklyn, N. Y.

**PRODUCT:** 59 cases, each containing 24 14-ounce packages, of cake mix at Hickory, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 24, 1948. Default decree of condemnation and destruction.

**13985. Adulteration of cake mix. U. S. v. 32 Cases, etc. (F. D. C. No. 25806. Sample Nos. 1405-K, 1406-K.)**

**LIBEL FILED:** August 7, 1948, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about April 16 and May 20, 1947, from New York, N. Y.



**PRODUCT:** 57 cases, each containing 24 14-ounce packages, of cake mix at Morganton, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 30, 1948. Default decree of condemnation. The product was ordered delivered to a State institution, for use as animal feed.

**13986. Adulteration of corn bread mix. U. S. v. 9 Cases \* \* \*. (F. D. C. No. 25645. Sample No. 31454-K.)**

**LIBEL FILED:** September 20, 1948, District of Nevada.

**ALLEGED SHIPMENT:** On or about October 18, 1946, from Los Angeles, Calif.

**PRODUCT:** 9 cases, each containing 24 1-pound packages, of corn bread mix at Las Vegas, Nev.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 25, 1948. Default decree of condemnation and destruction.

## CHOCOLATE, SUGAR, AND RELATED PRODUCTS

### CANDY AND CHOCOLATE

**13987. Adulteration of candy. U. S. v. V. V. Candy Mfg. Co. and Sam Gertz. Pleas of nolo contendere. Defendants fined \$1,000, jointly. (F. D. C. No. 25283. Sample Nos. 20677-H, 73782-H, 76617-H, 18690-K, 18691-K, 18954-K.)**

**INFORMATION FILED:** September 27, 1948, Northern District of Illinois, against V. V. Candy Mfg. Co., a partnership, Chicago, Ill., and Sam Gertz, a partner.

**ALLEGED SHIPMENT:** On or about August 4, 12, and 13, 1947, and March 5, 15, and 16, 1948, from the State of Illinois into the States of Ohio, Nebraska, Louisiana, and Indiana.

**LABEL, IN PART:** "Judmar's Chocolate Covered Cherries" or "Maple Whipped Creamy Fudge."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), (portion) the product consisted in part of a filthy substance by reason of the presence of an insect, larva, insect fragments, mites, and rodent hair fragments; and, Section 402 (a) (4), (all lots) the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 28, 1948. Pleas of nolo contendere having been entered, the defendants were fined \$1,000, jointly.

**13988. Adulteration of Candy. U. S. v. 41 Boxes \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 25734, 25737, 25856, 25959. Sample Nos. 6734-K, 12023-K, 18290-K, 40302-K, 40303-K.)**

**LIBELS FILED:** October 18, 20, and 26, 1948, Western District of New York, Northern District of Ohio, District of Delaware, and District of Maryland.

**ALLEGED SHIPMENT:** On or about September 20 and 30 and October 2, 1948, by Brown's Confectionery Co., from Philadelphia, Pa.

**PRODUCT:** Candy. 41 boxes at Buffalo, N. Y., 48 boxes at Cleveland, Ohio, 68 boxes at Wilmington, Del., and 48 boxes at Baltimore, Md. Each box contained 5 pounds.

**LABEL, IN PART:** "Verbelrose Chocolates."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 8, 15, and 23, 1948. Default decrees of condemnation and destruction.

**13989. Misbranding of candy. U. S. v. Hy-Lan Candy Co., a corporation. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 24536. Sample Nos. 501-K, 503-K, 907-K, 26838-K.)**

**INFORMATION FILED:** April 23, 1948, Northern District of Georgia, against the Hy-Lan Candy Co., a corporation, Atlanta, Ga.

**ALLEGED SHIPMENT:** On or about September 11 and October 6 and 7, 1947, from the State of Georgia into the States of Kentucky and Tennessee.

**LABEL, IN PART:** "Cream Bar [or "Sugar Sticks" or "Peanut Bar"] \* \* \* Average Weight 2 Ozs. Hy-Lan Candy Co. Atlanta, Ga."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents since the candy was labeled "Average Weight 2 Ozs," whereas the average weight of the candy was less than 2 ounces.

**DISPOSITION:** February 2, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$100 on each of the 4 counts.

**13990. Adulteration of chocolate products. U. S. v. Hooton Chocolate Co., a corporation, and Floyd A. Lewis. Plea of guilty for the corporation; plea of nolo contendere by Floyd A. Lewis. Corporation fined \$1,200; Floyd A. Lewis placed on probation for one day, with imposition of sentence suspended. (F. D. C. No. 22054. Sample Nos. 8707-H, 64264-H, 64968-H, 64969-H, 64972-H, 64974-H.)**

**INFORMATION FILED:** April 23, 1947, District of New Jersey, against the Hooton Chocolate Co., Newark, N. J., and Floyd A. Lewis, vice president.

**ALLEGED SHIPMENT:** On or about February 6 and November 13, 14, 18, and 19, 1946, from the State of New Jersey into the State of New York.

**LABEL, IN PART:** "Orinoco Choc. Flavor," "Hooton's Milk Jumbo Blocks," or "Hooton's Milk Peanut Jumbo Blocks."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** December 10, 1948. A plea of guilty having been entered on behalf of the corporation, the court imposed a fine of \$200 on each of the six counts, a total fine of \$1,200. A plea of nolo contendere having been entered by Floyd A. Lewis, the court placed him on probation for one day and suspended imposition of sentence.

**13991. Adulteration of chocolate. U. S. v. 49 Bags \* \* \*. (F. D. C. No. 25253. Sample No. 12714-K.)**

**LIBEL FILED:** August 10, 1948, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 11, 1948, from Dayton, Ohio.



**PRODUCT:** 49 bags, each containing 10 20-pound slabs, of chocolate at Wilkes-Barre, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 13, 1948. The Carr-Consolidated Biscuit Co., Wilkes-Barre, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned by scraping off the exterior portions and destroying the scrapings.

### SIRUP AND SUGAR

**13992. Adulteration and misbranding of sirup. U. S. v. 100 Cases \* \* \*.**  
(F. D. C. No. 22898. Sample No. 90870-H.)

**LIBEL FILED:** April 11, 1947, District of New Jersey.

**ALLEGED SHIPMENT:** On or about March 12, 1947, by the Econ Trading Co., from Yonkers, N. Y.

**PRODUCT:** 100 cases, each containing 6 cans, of sirup at Perth Amboy, N. J.

**LABEL, IN PART:** "Contents 8 Lbs. 8 Oz. or 3 Quarts Beauregard House Pure Cane Sugar Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), refiners sirup had been substituted in whole or in part for pure cane sugar sirup, which the product was represented to be.

Misbranding, Section 403 (a), the designation "Pure Cane Sugar Syrup" was false and misleading.

**DISPOSITION:** December 27, 1948. Default decree of condemnation. The product was ordered delivered to charitable institutions conditioned that the labels be destroyed and that the product be examined by the Food and Drug Administration to determine if it were fit for human consumption. Examination having shown the fitness of the product, it was distributed as ordered.

**13993. Adulteration of sugar. U. S. v. 411 Bags \* \* \*.** (F. D. C. No. 25179. Sample No. 25963-K.)

**LIBEL FILED:** July 21, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about February 29, 1948, by the Cora-Texas Mfg. Co., from White Castle, La.

**PRODUCT:** 411 100-pound bags of sugar at Newport, Minn.

**LABEL, IN PART:** "Caneland Standard Fine Granulated Pure Cane Sugar."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of plant matter, charred organic material, sand, rust, lime, cloth fibers, and metal particles.

**DISPOSITION:** September 8, 1948. The Cora-Texas Mfg. Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for refining, under the supervision of the Federal Security Agency.

**13994. Adulteration of sugar. U. S. v. 257 Bags \* \* \*.** (F. D. C. No. 25427. Sample No. 40531-K.)

**LIBEL FILED:** September 8, 1948, District of Oregon.

**ALLEGED SHIPMENT:** On or about April 19, 1948, by the California & Hawaiian Sugar Corp., from Honolulu, T. H.

**PRODUCT:** 257 100-pound bags of sugar at Portland, Oreg.

**LABEL, IN PART:** "C-H Sugar Pure Cane Granulated."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of ammonium sulfate; and, Section 402 (b) (2), a product containing ammonium sulfate had been substituted in whole or in part for sugar.

**DISPOSITION:** On or about November 1, 1948, The Matson Navigation Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was shipped to a refinery to be re-refined.

**13995. Adulteration of sugar. U. S. v. 24 Bags \* \* \*. (F. D. C. No. 24978. Sample No. 19901-K.)**

**LIBEL FILED:** June 29, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about July 12, 1947, from Baltimore, Md.

**PRODUCT:** 24 100-pound bags of sugar at Caldwell, Ohio, in possession of the Caldwell Produce Co.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and urine; and, Section 402 (a) (4), in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 10, 1948. Default decree of destruction.

**13996. Adulteration of sugar. U. S. v. 2 Sacks \* \* \*. (F. D. C. No. 25037. Sample No. 45712-K.)**

**LIBEL FILED:** July 13, 1948, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about June 2 and August 4 and 20, or November 4, 1947, from St. Louis, Mo.

**PRODUCT:** 2 100-pound sacks of sugar at Belleville, Ill.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (2), in that it contained an added deleterious substance, boric acid; and, Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** September 8, 1948. Default decree of condemnation and destruction.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, **No. 13997**, and that was below the standard for milk fat content, **Nos. 13998 to 14001**.

**13997. Adulteration of butter. U. S. v. 24 Cubes (1,536 pounds) \* \* \*. (F. D. C. No. 25533. Sample No. 32463-K.)**

**LIBEL FILED:** July 23, 1948, Northern District of California.



**ALLEGED SHIPMENT:** On or about July 6, 1948, by Miles Friedman, Inc., from Guthrie Center, Iowa.

**PRODUCT:** 24 64-pound cubes of butter at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect and house fly fragments, setae, mites, rat or mouse hairs, manure, and nondescript dirt, such as sand, rust, metal, wood, and cloth fibers; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 13, 1949. Default decree of condemnation and destruction.

**13998. Adulteration of butter. U. S. v. Irvin Shelstad (Finley Creamery Co.).**  
**Plea of guilty. Fine, \$200.** (F. D. C. No. 25339. Sample No. 25830-K.)

**INFORMATION FILED:** November 17, 1948, District of North Dakota, against Irvin Shelstad, trading as the Finley Creamery Co., Finley, N. Dak.

**ALLEGED SHIPMENT:** On or about August 23, 1948, from the State of North Dakota into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** January 5, 1949. A plea of guilty having been entered, the defendant was fined \$200.

**13999. Adulteration of butter. U. S. v. 13 Cubes (884 pounds) \* \* \*. (F. D. C. No. 25829. Sample Nos. 37636-K, 37848-K.)**

**LIBEL FILED:** August 18, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about August 10, 1948, by the Green Valley Creamery Co., from Corvallis, Oreg.

**PRODUCT:** 13 68-pound cubes of butter at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** August 20, 1948. The Green Valley Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be rechurned under the supervision of the Food and Drug Administration.

**14000. Adulteration of butter. U. S. v. 32 Cartons (2,080 pounds) \* \* \*. (F. D. C. No. 25826. Sample No. 23121-K.)**

**LIBEL FILED:** July 27, 1948, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about July 14, 1948, by the El Reno Poultry & Egg Co., from El Reno, Okla.

**PRODUCT:** 32 65-pound cartons of butter at Fort Worth, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** August 20, 1948. The Fort Worth Poultry & Egg Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**14001. Adulteration of butter. U. S. v. 14 Cartons (896 pounds) \* \* \*. (F. D. C. No. 25827. Sample No. 15180-K.)**

**LIBEL FILED:** August 1, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 22, 1948, by the Hygrade Food Products Corp., from Grinnell, Iowa.

**PRODUCT:** 14 64-pound cartons of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** September 3, 1948. The Hygrade Food Products Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be reworked under the supervision of the Food and Drug Administration.

### CHEESE

**14002. Adulteration of Swiss cheese. U. S. v. Rudolph Pauli (Bakersville Cheese Factory). Plea of guilty. Fine, \$500. (F. D. C. No. 25596. Sample No. 19916-K.)**

**INFORMATION FILED:** December 13, 1948, Southern District of Ohio, against Rudolph Pauli, trading as the Bakersville Cheese Factory, at Bakersville, Ohio.

**ALLEGED VIOLATION:** On or about October 31, 1941, the defendant gave a guaranty to one of its customers which contained the provision, among others, that all cheese shipped or delivered by the defendant to the customer would not be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about June 4, 1948, the defendant delivered a quantity of adulterated cheese to the customer, who was engaged in the business of introducing into interstate commerce quantities of cheese supplied by the defendant.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta and rodent hair fragments.

**DISPOSITION:** February 16, 1949. A plea of guilty having been entered, the court imposed a fine of \$500.

**14003. Adulteration and misbranding of process cheese loaf. U. S. v. 111 Cases \* \* \*. (F. D. C. No. 25791. Sample No. 47981-K.)**

**LIBEL FILED:** September 30, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 20, 1948, by the Fisher Dairy & Cheese Co., from Wapakoneta, Ohio.

**PRODUCT:** 111 cases, each containing 6 5-pound loaves, of process cheese at Philadelphia, Pa.

**LABEL, IN PART:** "Rib Lake Brand Provolone Type Processed Loaf A delicious blend of American Cheddar and Provolone Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (4), water had been added to the article and mixed and packed therewith so as to increase its bulk and weight and reduce its quality and make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statements "45% moisture, 20% Butterfat" were false and misleading as applied to the article, which contained more than 45 percent moisture and less than 20 percent butterfat.



DISPOSITION: November 8, 1948. Default decree of condemnation. The product was ordered delivered to charitable institutions.

### MISCELLANEOUS DAIRY PRODUCTS

14004. Adulteration of condensed skim milk and cream. U. S. v. Hawk Dairies, William M. Hawk, and Walter G. Eppler. Pleas of nolo contendere. Hawk Dairies fined \$800, William M. Hawk \$400, and Walter G. Eppler \$400, a total of \$1,600. (F. D. C. No. 25579. Samples Nos. 21744-K, 27610-K to 27612-K, incl.)

INFORMATION FILED: December 6, 1948, Northern District of Oklahoma, against Hawk Dairies, a corporation, Tulsa, Okla., William M. Hawk, president and treasurer, and Walter G. Eppler, vice-president.

ALLEGED VIOLATION: On or about June 3, 1948, the defendant gave Swift & Co. a guaranty providing that any food shipped or delivered thereafter by the defendant to Swift & Co. would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about June 3, 1948, the defendant caused to be delivered to Swift & Co. a quantity of condensed skim milk at Tulsa, Okla. Swift & Co. was engaged in introducing and delivering for introduction into interstate commerce, milk and milk products.

On or about June 2, 3, and 7, 1948, the defendants caused to be introduced and delivered for introduction into interstate commerce at Claremore, Okla., for delivery to Fort Smith, State of Arkansas, various quantities of cream.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair, and by reason of the use of contaminated milk in their preparation; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 15, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$200 on each of four counts against the corporation and \$100 on each of four counts against each individual defendant, a total of \$1,600.

14005. Adulteration and misbranding of nonfat dry milk solids. U. S. v. 41 Barrels \* \* \*. (F. D. C. No. 25679. Sample No. 45828-K.)

LIBEL FILED: October 4, 1948, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 11, 1948, by the Central Farms Products Co., from Allerton, Iowa.

PRODUCT: 41 225-pound barrels of nonfat dry milk solids at Memphis, Tenn.

LABEL, IN PART: "Roller Process Nonfat Dry Milk Solids Net 225."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product prepared from neutralized skim milk had been substituted in whole or in part for nonfat dry milk solids.

Misbranding, Section 403 (a), the name "Nonfat Dry Milk Solids" was false and misleading as applied to an article prepared from neutralized skim milk.

DISPOSITION: November 1, 1948. The Central Farms Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.

## EGGS

**14006. Adulteration of shell eggs. U. S. v. Meadow Brook Produce Co., Inc., and Mitchell Robin. Pleas of nolo contendere. Fine of \$2,500 against corporation and \$1,000 against individual. (F. D. C. No. 24565. Sample No. 22406-K.)**

**INDICTMENT RETURNED:** May 13, 1948, Eastern District of Michigan, against Meadow Brook Produce Co., Inc., Chicago, Ill., and Mitchell Robin, president.

**ALLEGED VIOLATION:** On or about September 13, 1947, the defendants did, with intent to mislead and defraud, cause to be introduced and delivered for introduction into interstate commerce from the State of Michigan into the State of Alabama a number of cases of adulterated eggs.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of rotten and moldy eggs.

**DISPOSITION:** January 24, 1949. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of \$2,500 against the corporation and a fine of \$1,000 against Mitchell Robin.

**14007. Adulteration of shell eggs. U. S. v. Charles A. Larsen. Plea of guilty. Fine, \$100. (F. D. C. No. 24833. Sample No. 33314-K.)**

**INFORMATION FILED:** July 21, 1948, District of Utah, against Charles A. Larsen, Salt Lake City, Utah.

**ALLEGED SHIPMENT:** On or about March 13, 1948, from the State of Utah into the State of California.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of bloody whites, white rots, and moldy eggs.

**DISPOSITION:** October 29, 1948. A plea of guilty having been entered, the court imposed a fine of \$100.

**14008. Adulteration of frozen whole eggs. U. S. v. John E. Landsberger (Landsberger Creamery & Produce). Plea of guilty. Fine, \$25. (F. D. C. No. 25277. Sample No. 24091-K.)**

**INFORMATION FILED:** July 29, 1948, District of South Dakota, against John E. Landsberger, trading as Landsberger Creamery & Produce, Sisseton, S. Dak.

**ALLEGED SHIPMENT:** On or about April 29, 1948, from the State of South Dakota into the State of Minnesota.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** November 16, 1948. A plea of guilty having been entered, the defendant was fined \$25.

**14009. Adulteration of frozen whole eggs. U. S. v. The Peter Fox Sons Co. Plea of guilty. Fine, \$25. (F. D. C. No. 23621. Sample No. 69204-H.)**

**INFORMATION FILED:** November 18, 1947, District of South Dakota, against the Peter Fox Sons Co., a corporation, Watertown, S. Dak.

**ALLEGED SHIPMENT:** On or about June 23, 1947, from the State of South Dakota into the State of Illinois.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed eggs.



**DISPOSITION:** December 30, 1948. A plea of guilty having been entered, the defendant was fined \$25.

**14010. Adulteration of frozen whole eggs. U. S. v. 90 Cases \* \* \*. (F. D. C. No. 25358. Sample No. 9217-K.)**

**LIBEL FILED:** August 12, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about June 11, 18, and 28, 1948, by the Sam Pollman Egg Co., from Kansas City, Mo.

**PRODUCT:** 90 30-pound cases of frozen whole eggs at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed eggs.)

**DISPOSITION:** December 1, 1948. Seaboard Foods, Inc., New York, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured under the supervision of the Federal Security Agency. The segregation operations resulted in the release of 68 cans as good; the rejects, consisting of 22 cans, were denatured.

## FISH AND SHELLFISH

**14011. Adulteration of frozen rosefish fillets. U. S. v. New England Fillet Co., Inc., Gloucester Seafoods Corp., and William J. Brady. Pleas of guilty. Corporations each fined \$100; individual defendant fined \$50. (F. D. C. No. 23563. Sample No. 9685-H.)**

**INFORMATION FILED:** May 5, 1948, District of Massachusetts, against New England Fillet Co., Inc., Boston and Gloucester, Mass., the Gloucester Seafoods Corp., Gloucester, Mass., and William J. Brady, treasurer of both corporations.

**ALLEGED SHIPMENT:** On or about April 13, 1946, from the State of Massachusetts into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed fillets.

**DISPOSITION:** December 14, 1948. Pleas of guilty having been entered, each corporation was fined \$100 and the individual defendant was fined \$50.

**14012. Adulteration and misbranding of sardines. U. S. v. 221 Cases, etc. (F. D. C. No. 25754. Sample Nos. 23277-K, 23278-K.)**

**LIBEL FILED:** September 14, 1948, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about July 24, 1948, by the Harris-Cove Packing Co., from Eastport and Addison, Maine.

**PRODUCT:** 822 cases, each containing 48 15-ounce cans, of sardines at Houston, Tex.

**LABEL, IN PART:** (Can) "Arctic Brand Sardines In Mustard Sauce \* \* \* [Picture of pilchard sardine]"; or "Arctic Brand Sardines In Tomato Sauce."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish; and, Section 402 (b) (2), large sea herring had been substituted in whole or in part for sardines, which the product was represented to be.

Misbranding, Section 403 (a), the name "Sardines" on the labels of both lots and the picture of a pilchard on the label of one lot were false and misleading as applied to a product consisting of large sea herring.

DISPOSITION: October 28, 1948. Default decree of condemnation and destruction.

**14013. Misbranding of fibered codfish. U. S. v. 72 Cartons \* \* \*. (F. D. C. No. 25787. Sample No. 10102-K.)**

**LIBEL FILED:** September 30, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about September 17, 1948, by J. W. Beardsley's Sons, from Newark, N. J.

**PRODUCT:** 72 5-pound cartons of fibered codfish at Woodside, L. I., N. Y. Examination showed that the product consisted of shredded codfish containing numerous small bones.

**LABEL, IN PART:** "Matchless Fibered Codfish."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the name "Fibered Codfish" was false and misleading and applied to a product from which little or none of the bones had been removed.

**DISPOSITION:** November 10, 1948. Default decree of condemnation and destruction.

**14014. Adulteration of crab meat. U. S. v. Earl H. Holton (Pamlico Packing Co.). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 25302. Sample Nos. 2053-K, 2056-K to 2058-K, incl., 40132-K.)**

**INFORMATION FILED:** September 27, 1948, Eastern District of North Carolina, against Earl H. Holton, trading as the Pamlico Packing Co., Vandemere, N. C.

**ALLEGED SHIPMENT:** On or about June 22, 23, 29, and 30, 1948, from the State of North Carolina into the States of Maryland and New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, as evidenced by the presence of fecal *Escherichia coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 11, 1948. A plea of nolo contendere having been entered, the defendant was fined \$250.

**14015. Adulteration of crab meat. U. S. v. 4 Barrels, etc. (F. D. C. No. 25559. Sample No. 3722-K.)**

**LIBEL FILED:** September 3, 1948, District of Columbia.

**ALLEGED SHIPMENT:** On or about August 31, 1948, by M. F. Quinn, from Hampton, Va.

**PRODUCT:** 4 Barrels, each containing 100 1-pound cans, of crab meat at Washington, D. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 1, 1948. Default decree of condemnation. The product was ordered delivered to the zoo, to be used for animal feed.

**14016. Adulteration of crab meat. U. S. v. 17 Cans \* \* \*. (F. D. C. No. 25547. Sample No. 3705-K.)**

**LIBEL FILED:** August 31, 1948, District of Columbia.



**ALLEGED SHIPMENT:** On or about August 25, 1948, by V. S. Lankford & Co., from Hampton, Va.

**PRODUCT:** 17 1-pound cans of crab meat at Washington, D. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 10, 1948. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to the zoo, to be fed to the animals.

**14017. Adulteration of canned crab meat. U. S. v. 44 Cases \* \* \*. (F. D. C. No. 25692. Sample No. 34256-K.)**

**LIBEL FILED:** October 4, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about August 16 and 30, 1948, by Hallmark Fisheries, from Charleston, Oreg.

**PRODUCT:** 44 cases, each containing 48 7-ounce cans, of crab meat at Oakland, Calif.

**LABEL, IN PART:** "Wave King Dungeness Fancy Crabmeat."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** November 5, 1948. Default decree of condemnation and destruction.

**14018. Adulteration of frozen crab meat. U. S. v. 120 Cans \* \* \*. (F. D. C. No. 25490. Sample No. 8733-K.)**

**LIBEL FILED:** On or about August 25, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 11, 1948, from Fernandina, Fla., and Wenona, Md.

**PRODUCT:** 120 1-pound cans of crab meat at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed crab meat. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 14, 1948. Default decree of condemnation and destruction.

**14019. Misbranding of oysters. U. S. v. Irvington Fish & Oyster Co., Inc. Plea of guilty. Fine of \$600 on count 1, imposition of sentence suspended on count 2, and defendant placed on probation for 1 year. (F. D. C. No. 25565. Sample Nos. 15027-K, 15028-K.)**

**INFORMATION FILED:** December 17, 1948, Eastern District of Virginia, against Irvington Fish & Oyster Co., Inc., Irvington, Va.

**ALLEGED SHIPMENT:** On or about December 17, 1947, from the State of Virginia into the State of Illinois.

**LABEL, IN PART:** "Morris Brand \* \* \* Oysters \* \* \* Packed by Irvington Fish & Oyster Co., Inc. For Morris Fisheries, Inc. Chicago."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters "standards" and oysters "selects." The standard provides that the total time that oysters "selects" and "standards" are in contact with water after leaving the shucker

is not more than 30 minutes and that they are thoroughly drained before packing whereas the oysters were in contact with water more than 30 minutes after leaving the shucker, and they were not thoroughly drained before packing.

**DISPOSITION:** January 24, 1949. A plea of guilty having been entered, the corporation was fined \$600 on count 1. Sentence was suspended on count 2 for a period of one year, and the defendant was placed on probation for that period of time.

**14020. Adulteration of frozen shrimp. U. S. v. Joseph Edward Keim and Fred Frank Itule (K. P. Sales Co.). Pleas of nolo contendere. Both defendants fined \$50. (F. D. C. No. 22031. Sample No. 46068-H.)**

**INFORMATION FILED:** April 8, 1947, District of Arizona, against Joseph Edward Keim and Fred Frank Itule, copartners, trading as the K. P. Sales Co., Nogales, Ariz.

**ALLEGED SHIPMENT:** On or about January 21, 1946, from the State of Arizona into the State of California.

**LABEL, IN PART:** "Queen of the Gulf \* \* \* Frozen Fresh Shrimp Packed for Morris Fisheries Chicago, Illinois."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** January 10, 1949, Pleas of nolo contendere having been entered, each defendant was fined \$50.

**14021. Adulteration of dried shrimp. U. S. v. 36 Cases \* \* \*. (F. D. C. No. 25722. Sample No. 33407-K.)**

**LIBEL FILED:** October 20, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about June 30, 1948, from Houma, La.

**PRODUCT:** 36 43-pound cases of dried shrimp at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 14, 1948. Default decree of condemnation and destruction.

**14022. Adulteration of canned shrimp. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 25729. Sample No. 12198-K.)**

**LIBEL FILED:** October 19, 1948, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 21, 1948, by the Fiesta Fine Foods Co., from New Orleans, La.

**PRODUCT:** 7 cases, each containing 48 5-ounce cans, of shrimp at Harrisburg, Pa.

**LABEL, IN PART:** "Bayou Rose Brand Wet Pack Shrimp \* \* \* Distributed By Morgan City Packing Co., Houma, La."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** February 23, 1949. Default decree of condemnation and destruction.



**FRUITS AND VEGETABLES****CANNED FRUIT**

**14023. Misbranding of canned blackberries. U. S. v. 35 Cases \* \* \* (F. D. C. No. 25730. Sample Nos. 28599-K, 29610-K.)**

**LIBEL FILED:** November 3, 1948, District of Colorado.

**ALLEGED SHIPMENT:** On or about April 1, 1948, by the Oregon Fruit Products Co., from Salem, Oreg.

**PRODUCT:** 35 cases; each containing 48 11-ounce cans, of blackberries at Denver, Colo.

**LABEL, IN PART:** "Oregon Fruit Products Blackberries Fancy Quality Net Contents 11 Ounces Avd."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement on the cans "Fancy Quality" was false and misleading as applied to an article which was not fancy grade, but consisted of a considerable percentage of very small berries which were not well ripened and which had tough cores and drupelets not well developed.

**DISPOSITION:** December 7, 1948. The Oregon Fruit Products Co., claimant, having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering it released under bond for relabeling, under the supervision of the Federal Security Agency.

**14024. Adulteration of canned blueberries. U. S. v. 1,091 Cases \* \* \*. (F. D. C. No. 22574. Sample No. 17291-H.)**

**LIBEL FILED:** May 5, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about November 7, 1946, by the Sea-Land Frosted Food Corp., from Williamson, N. Y.

**PRODUCT:** 1,091 cases, each containing 24 1-pound, 4-ounce cans, of blueberries at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy blueberries.

**DISPOSITION:** The Sea-Land Food Corp., claimant, filed an answer to the libel and filed a motion petitioning the entry of an order authorizing the claimant to export the blueberries to Canada or any other foreign country. This motion was denied on November 10, 1947.

On December 19, 1947, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. Of the 1,123 cases seized, 377 cases were segregated as good and the remaining 746 cases were destroyed.

**14025. Misbranding of canned cherries. U. S. v. Escalon Packers, Inc., Edward I. Colombo, and Christopher P. Colombo. Pleas of guilty. Fine of \$100 against corporation and \$50 against each individual. (F. D. C. No. 24814. Sample Nos. 64455-H, 64566-H.)**

**INFORMATION FILED:** July 12, 1948, Northern District of California, against Escalon Packers, Inc., Escalon, Calif., and Edward I. Colombo and Christopher P. Colombo, president and vice president, respectively, of the corporation.

**ALLEGED SHIPMENT:** On or about July 16, 1946, from the State of California into the State of New York.

**LABEL, IN PART:** "Dora Dark Seconds Sweet Cherries In Light Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "In Light Syrup" was false and misleading since the statement represented and suggested that the article was packed in a sirup designated as light sirup in the regulations establishing a definition and standard of identity for canned cherries, whereas the article was packed in a sirup designated as "Slightly Sweetened Water" in such standard and definition; Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned cherries since it failed to bear the name of the optional packing medium present in the article; and, Section 403 (h) (1), it fell below the standard of quality for canned unpitted cherries, and its label failed to bear a statement that it fell below such standard. (The standard of quality provides that the weight of each cherry in the container is not less than 1/10 ounce, whereas a large proportion of the cherries in this product weighed less than 1/10 ounce.)

**DISPOSITION:** August 23, 1948. Pleas of guilty having been entered, the court imposed a fine of \$100 against the corporation and \$50 against each individual.

**14026. Adulteration of canned cherries. U. S. v. 237 Cases, etc. (F. D. C. Nos. 25647, 25648. Sample No. 25340-K.)**

**LIBEL FILED:** September 16, 1948, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about October 18, 1946, from San Francisco, Calif.

**PRODUCT:** 269 cases, each containing 24 1-pound, 4-ounce cans, of cherries at Clinton, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was undergoing chemical decomposition.) It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 12, 1949. Default decree of condemnation and destruction.

**14027. Adulteration of canned cherries. U. S. v. 23 Cases \* \* \*. (F. D. C. No. 25673. Sample No. 31458-K.)**

**LIBEL FILED:** September 27, 1948, District of Nevada.

**ALLEGED SHIPMENT:** On or about October 24, 1946, from Clearfield, Utah.

**PRODUCT:** 23 cases, each containing 24 1-pound, 14-ounce cans, of unpitted cherries at Las Vegas, Nev.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 29, 1948. Default decree of condemnation and destruction.

**14028. Adulteration of canned peaches. U. S. v. 300 Cases \* \* \*. (F. D. C. No. 25360. Sample No. 40218-K.)**

**LIBEL FILED:** August 12, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about March 20, 1948, by the Buckingham Farmers Co-op., Inc., from Dillwyn, Va.

**PRODUCT:** 300 cases, each containing 24 cans, of peaches at Baltimore and Salisbury, Md.

**LABEL, IN PART:** "Buckingham Brand Peaches Contents 1 Lb. 13 Ozs. [or 1 Lb. 14 Ozs.]"



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its abnormal odor, taste, and color, rendering it unpalatable.

**DISPOSITION:** November 16, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution. The institution was informed that a portion of the product was fit for food, and the institution offered assurances that all cans would be examined before use and that all material unfit for food would be discarded.

**14029. Adulteration of canned peaches. U. S. v. 42 Cases \* \* \*. (F. D. C. No. 25557. Sample No. 40218-K.)**

**LIBEL FILED:** September 13, 1948, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about August 5, 1948, by the Capital Wholesale Grocery Co., from Baltimore, Md.

**PRODUCT:** 42 cases, each containing 24 cans, of peaches at Parksley, Va.

**LABEL, IN PART:** "Buckingham Brand Peaches Contents 1 Lb. 13 Ozs. [or "1 Lb. 14 Ozs.]" Packed by Buckingham Farmers Co-Op., Inc., Dillwyn, Va."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its abnormal odor, taste, and color, rendering it unpalatable.

**DISPOSITION:** November 18, 1948. Default decree of condemnation and destruction.

**14030. Adulteration and misbranding of canned peaches. U. S. v. 399 Cases \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 23525, 23841, 24178, 24370. Sample Nos. 54170-H, 55536-H, 55537-H, 425-K, 438-K, 439-K.)**

**LIBELS FILED:** July 31, October 2, and December 10, 1947, and March 5 1948, Middle and Western Districts of North Carolina and Southern District of Indiana.

**ALLEGED SHIPMENT:** Between the approximate dates of August 10 and 21, 1946, by the Jones Brothers Canning Co., Greer, S. C.

**PRODUCT:** Canned peaches. 739 cases at Winston-Salem, N. C., 399 cases at Indianapolis, Ind., and 163 cases at Charlotte, N. C. Each case contained 24 1-pound, 13-ounce cans.

**LABEL, IN PART:** "Greer Brand" or "Cedar Rock Brand."

**NATURE OF CHARGE:** Adulteration (portion of Winston-Salem lot, 482 cases), Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm excreta, larvae, and worm-damaged peaches.

Misbranding, Section 403 (h) (1), the product was substandard in quality because of failure to meet the test for tenderness established by the regulations, and its label failed to bear the substandard legend; and (portion of Indianapolis lot), Section 403 (g) (2), the label failed to bear the name of the optional packing medium present in the article since it bore the statement "In Light Syrup," whereas the article was packed in slightly sweetened water.

**DISPOSITION:** October 22 and November 15, 1947, and January 15 and April 16, 1948. Default decrees of condemnation. The products were ordered delivered to public and charitable institutions, conditioned that the adulterated portions be used for animal feed.

**14031. Misbranding of canned peaches. U. S. v. 338 Cases \* \* \*. (F. D. C. No. 25790. Sample No. 19187-K.)**

**LIBEL FILED:** October 1, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 14, 1948, by J. W. Siegfried, Jr., and Co., from Appomattox, Va.

**PRODUCT:** 338 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Cincinnati, Ohio.

**LABEL, IN PART:** "Dixianna Brand Yellow Freestone Peaches Halves." A portion was labeled "In Light Syrup," and the remainder was labeled "In Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality prescribed for canned peaches since all units were not untrimmed or so trimmed as to preserve normal shape, and its label failed to bear the statement that it fell below the standard; and, Section 403 (g) (2), (portion of product) the labels failed to bear the name of the optional packing medium since they bore the statement "In Heavy Syrup," whereas the product was packed in light sirup.

**DISPOSITION:** November 23, 1948. Albers Super Markets, Inc., Cincinnati, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Federal Security Agency.

**14032. Misbranding of canned peaches. U. S. v. 243 Cases \* \* \*. (F. D. C. No. 25633. Sample Nos. 27457-K, 27458-K.)**

**LIBEL FILED:** September 13, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about July 24, 1948, by Roberts Brothers, Inc., from Americus, Ga.

**PRODUCT:** 243 cases, each containing 48 15-ounce cans, of peaches at St. Louis, Mo.

**LABEL, IN PART:** "Halves [or "Sliced"] Freestone Peaches In Heavy Syrup School Days."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear as required by the definition and standard the name of the optional peach ingredient and the name of the optional packing medium present since the varietal group (yellow) of peaches was not declared and since its label bore the statement "In Heavy Syrup," whereas the product was packed in a sirup designated as "light sirup" in such standard.

**DISPOSITION:** December 28, 1948. Roberts Brothers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

## DRIED FRUIT

**14033. Adulteration of evaporated apples. U. S. v. 50 Cartons \* \* \*. (F. D. C. No. 25410. Sample No. 23276-K.)**

**LIBEL FILED:** August 25, 1948, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about April 19, 1948, from Empire, Calif.

**PRODUCT:** 50 25-pound cartons of evaporated apples at Houston, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 5, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as stock feed.



**14034. Adulteration of dried apricots. U. S. v. 47 Cartons \* \* \*. (F. D. C. No. 25550. Sample No. 8177-K.)**

**LIBEL FILED:** September 2, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about October 17, 1946, from New York, N. Y.

**PRODUCT:** 47 25-pound cartons of dried apricots at Bridgeport, Conn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt and insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 29, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as hog feed.

**14035. Adulteration of dried peaches. U. S. v. 2 Boxes \* \* \* (and 1 other seizure action). (F. D. C. No. 25502. Sample Nos. 13000-K, 48061-K.)**

**LIBELS FILED:** August 25, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 19, 1945, and February 7, 1946, from San Francisco and San Jose, Calif.

**PRODUCT:** 6 25-pound boxes of dried peaches at Philadelphia, Pa.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** September 27, 1948. Default decrees of condemnation and destruction.

**14036. Adulteration of prunes. U. S. v. 6 Cases, etc. (F. D. C. No. 25489. Sample No. 8176-K.)**

**LIBEL FILED:** August 23, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about October 8, 1947, from New York, N. Y.

**PRODUCT:** 7 25-pound cases of prunes at Waterbury, Conn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 29, 1948. Default decree of condemnation and destruction.

**14037. Adulteration of raisins. U. S. v. 342 Cases \* \* \*. (F. D. C. No. 25758. Sample Nos. 8952-K, 8965-K.)**

**LIBEL FILED:** September 17, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 5, 1945, from Del Rey, Calif.

**PRODUCT:** 342 30-pound cases of raisins at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 30, 1948. Default decree of condemnation and destruction.

**14038. Adulteration of raisins. U. S. v. 31 Cases \* \* \*. (F. D. C. No. 25767. Sample No. 495-K.)**

**LIBEL FILED:** September 20, 1948, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about December 11, 1946, from San Francisco, Calif.

**PRODUCT:** 31 cases, each containing 48 15-ounce packages, of raisins at Salisbury, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 20, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as hog feed.

### FRESH AND FROZEN FRUIT

**14039. Adulteration of blueberries. U. S. v. 11 Crates \* \* \*. (F. D. C. No. 25521. Sample No. 5055-K.)**

**LIBEL FILED:** July 30, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about July 28, 1948, by J. J. Ordille, from Hamonton, N. J.

**PRODUCT:** 11 crates, each containing 24 quart baskets, of blueberries at Boston, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Examination showed that the product contained maggots.)

**DISPOSITION:** August 31, 1948. Default decree of condemnation and destruction.

**14040. Adulteration of blueberries. U. S. v. 5 Crates \* \* \*. (F. D. C. No. 25522. Sample No. 5056-K.)**

**LIBEL FILED:** July 30, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about July 27, 1948, by J. J. Ordille, from Hamonton, N. J.

**PRODUCT:** 5 crates, each containing 24 quart baskets, of blueberries at Boston, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Examination showed that the product contained maggots.)

**DISPOSITION:** August 31, 1948. Default decree of condemnation and destruction.

**14041. Adulteration of blueberries. U. S. v. 3 Crates, etc. (F. D. C. No. 25525. Sample No. 6717-K.)**

**LIBEL FILED:** August 5, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about August 4, 1948, by Maurice Stout, from Tobyhanna, Pa.

**PRODUCT:** 3 crates, each containing 24 quart baskets, and 20 quart baskets, of blueberries at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of maggots and larvae.

**DISPOSITION:** September 3, 1948. Default decree of condemnation and destruction.

**14042. Adulteration of blueberries. U. S. v. 2 Crates, etc. (F. D. C. No. 25524. Sample No. 6716-K.)**

**LIBEL FILED:** August 4, 1948, Western District of New York.



**ALLEGED SHIPMENT:** On or about August 3, 1948, by A. McGurl, from Peckville, Pa.

**PRODUCT:** 2 crates, each containing 24 quart baskets, and 21 quart baskets, of blueberries at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots and larvae.

**DISPOSITION:** September 7, 1948. Default decree of condemnation and destruction.

**14043. Adulteration of huckleberries. U. S. v. 11 Crates \* \* \*. (F. D. C. No. 25536. Sample No. 8938-K.)**

**LIBEL FILED:** August 4, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 1, 1948, by Paul Saladigo, from Kelayres, Pa.

**PRODUCT:** 11 crates, each containing 24 quart containers, of huckleberries at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. (Examination showed that the product was infested with maggots.)

**DISPOSITION:** August 5, 1948. Default decree of condemnation and destruction.

**14044. Adulteration of huckleberries. U. S. v. 4 Crates \* \* \*. (F. D. C. No. 25537. Sample No. 8940-K.)**

**LIBEL FILED:** August 4, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 1, 1948, by Gabriel Di Meo, from Blue Anchor, N. J.

**PRODUCT:** 4 crates, each containing approximately 24 quart containers, of huckleberries at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. (Examination showed that the product was infested with maggots.)

**DISPOSITION:** August 5, 1948. Default decree of condemnation and destruction.

**14045. Adulteration of huckleberries. U. S. v. 3 Crates \* \* \*. (F. D. C. No. 25535. Sample No. 8937-K.)**

**LIBEL FILED:** July 30, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 29, 1948, by L. A. Penzer, from Hamonton, N. J.

**PRODUCT:** 3 crates, each containing 24 quart containers, of huckleberries at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. (Examination showed that the product was infested with maggots.)

**DISPOSITION:** August 5, 1948. Default decree of condemnation and destruction.

**14046. Adulteration of frozen blackberries. U. S. v. 1,050 Cans \* \* \*. (F. D. C. No. 25425. Sample No. 37359-K.)**

**LIBEL FILED:** August 26, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about August 13, 1948, by the Fruitcrest Corp., from Seattle, Wash.

PRODUCT: 1,050 28-pound cans of frozen blackberries at Elmira, N. Y.

LABEL, IN PART: "Olympic Blackberries Unsweetened 28 Lbs. Net."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten blackberries, and of a filthy substance by reason of the presence of worms.

DISPOSITION: November 18, 1948. The Fruitcrest Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The product was ordered released under bond, conditioned that it be manufactured by distillation into distilled spirits or a nonalcoholic blackberry flavor, under the supervision of the Federal Security Agency.

**14047. Adulteration of frozen strawberries. U. S. v. 280 Cans \* \* \*. (F. D. C. No. 25468. Sample No. 2064-K.)**

LIBEL FILED: August 17, 1948, District of Columbia.

ALLEGED SHIPMENT: The product was in interstate commerce in the District of Columbia.

PRODUCT: 280 cans, each containing approximately 30 pounds, of frozen strawberries in the District of Columbia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: December 31, 1948. Default decree of condemnation. The product was ordered delivered to the National Zoological Park.

**14048. Adulteration of frozen blueberries. U. S. v. 565 Boxes, etc. Tried to the court. Judgment for Government. Product released under bond, but subsequently destroyed. (F. D. C. No. 21199. Sample No. 19577-H.)**

LIBEL FILED: October 12, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about June 8, 1946, by the Continental Fruit Distributors, from Chicago, Ill.

PRODUCT: 1,440 22-pound boxes of frozen blueberries at Minneapolis, Minn.

LABEL, IN PART: "Blueberries Product of Canada Canada Packers Quebec City."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten blueberries.

DISPOSITION: The Continental Fruit Distributors, Toronto, Canada, claimant, filed an answer alleging that the Food and Drug Administration had issued a statement of conditions requiring the exportation or destruction of the product within three months from July 15, 1946; that before the expiration of the three-month period, the Administration had rescinded the right of exportation previously granted; and that the rights of exportation accruing to the claimant under Section 801 of the Act were violated by such recision and filing of the libel.

The case came on for trial before the court on May 11, 1948, and at the conclusion thereof, the court took the matter under advisement for consideration of the evidence and briefs of the parties. On July 13, 1948, the court handed down its findings of fact and conclusions of law, to the effect that the product was shipped from Hamilton, Ontario, by the Continental Fruit Distributors, on or about May 6, 1946, and arrived in customs at Detroit, Mich., on May 9, 1946, when a sample was taken by the Food and Drug Administration; that



on or about May 9, 1946, verbal notice was given by the customs department to John V. Carr & Sons as agents for the shipper and importer, that samples had been taken and that the product should be kept intact until officially released; that the Continental Fruit Distributors shipped the product to Chicago, Ill., where it arrived on or about May 11, 1946; that the Meinrath Brokerage Co., Minneapolis, Minn., on or about May 23 and 29, 1946, sold various portions of the product to three firms in Minneapolis, Minn.; that the Continental Fruit Distributors, on or about June 3, 1946, and while the product was in storage at Chicago, Ill., transferred title to the product to the Sunshine Fruit Company; that the product was shipped from Chicago to Minneapolis on June 3, 1946, and upon arrival at Minneapolis, Minn., was placed in storage to the accounts of the purchasing firms; that further samples of the product were taken by the Food and Drug Administration at Minneapolis on June 14, 1946; that on June 26, 1946, in connection with the sample taken at Minneapolis, the Food and Drug Administration issued a Notice of Detention and Hearing; that subsequent to this notice, withdrawals were made from storage by two of the purchasing firms; that on July 15, 1946, pursuant to the above notice, a hearing was held at Chicago, Ill., after which the Food and Drug Administration issued a statement requiring the exportation or destruction under customs supervision of the product as an import within three months from July 15, 1946; that on October 10, 1946, the statement was rescinded and notice thereof, as well as notice of the institution of seizure action, was given to the Continental Fruit Distributors; that neither the Continental Fruit Distributors nor the Sunshine Fruit Company repaid during the year 1946 the sales price of the product to the purchasers thereof; that the product was shipped in interstate commerce, from Chicago to Minneapolis, by the Continental Fruit Distributors and the Sunshine Fruit Company; that the product was adulterated in interstate commerce; and that the Government was entitled to a decree of condemnation.

In accordance with these findings and conclusions, judgment was entered on July 13, 1948, providing for condemnation of the product and its release under bond for segregation of the unfit portion. On October 12, 1948, due to the default of the claimant in complying with the judgment of July 13, an order was entered providing that the product be disposed of for animal feed or destroyed.

**14049. Adulteration of frozen huckleberries. U. S. v. 117 Cans \* \* \*. (F. D. C. No. 25486. Sample No. 2738-K.)**

**LIBEL FILED:** August 20, 1948, District of Columbia.

**ALLEGED SHIPMENT:** The product was in interstate commerce in the District of Columbia.

**PRODUCT:** 117 cans, each containing approximately 40 pounds, of frozen huckleberries in the District of Columbia.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** December 28, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**14050. Adulteration of frozen grapes. U. S. v. 258 Baskets \* \* \*. (F. D. C. No. 25824. Sample No. 5156-K.)**

**LIBEL FILED:** October 13, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about September 13, 1948, by Ralph W. Emerson, from Wyoming, Del.

**PRODUCT:** 258 baskets, each containing approximately 18 pounds, of frozen grapes.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots, and of a decomposed substance by reason of the presence of mold.

**DISPOSITION:** November 15, 1948. Default decree of condemnation and destruction.

#### MISCELLANEOUS FRUIT PRODUCTS\*

**14051. Misbranding of jelly and preserves. U. S. v. Royal Palm Kitchens, a partnership, and Adolph C. Kordick and Joseph L. Cordell. Pleas of nolo contendere. Fine of \$1,000 and costs against the defendants, jointly. (F. D. C. No. 25578. Sample Nos. 16844-K to 16846-K, incl., 25205-K to 25208-K, incl., 27196-K, 27197-K.)**

**INDICTMENT RETURNED:** November 15, 1948, Northern District of Illinois, against the Royal Palm Kitchens, a partnership, Chicago, Ill., and Adolph C. Kordick and Joseph L. Cordell, partners.

**ALLEGED SHIPMENT:** Between the approximate dates of November 24, 1947, and June 26, 1948, from the State of Illinois into the States of Wisconsin, Iowa, and Missouri.

**LABEL, IN PART:** "Royal Palm Pure Strawberry [or "Blackberry" or "Black Raspberry"] Jelly," "Royal Palm Pure Black Raspberry Preserves," or "Honey-moon Brand Red Currant [or "Strawberry," "Black Raspberry," or "Mint"] Jelly."

**NATURE OF CHARGE:** Jelly. Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for strawberry, blackberry, black raspberry, red currant, and mint jellies since the various jellies were made from mixtures composed of less than 45 parts by weight of the various fruit juice ingredients to each 55 parts by weight of the saccharine ingredient and the mixtures had not been concentrated by heat to such a point that the soluble-solids content of the finished jellies was not less than 65 percent.

Black raspberry preserves. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for black raspberry preserves since it was made from a mixture composed of less than 45 parts by weight of the fruit ingredient, black raspberry, to each 55 parts by weight of the saccharine ingredients and the mixture had not been concentrated by heat to such a point that the soluble-solids content of the finished black raspberry preserves was not less than 68 percent.

**DISPOSITION:** December 22, 1948. Pleas of nolo contendere having been entered, a fine of \$1,000, together with costs, was imposed against the defendants, jointly.

**14052. Adulteration and misbranding of raspberry-apricot preserves, strawberry-peach preserves, raspberry preserves, and strawberry preserves. U. S. v. 7 Cases, etc. (and 2 other seizure actions). (F. D. C. Nos. 22661, 22905, 22906. Sample Nos. 74429-H, 74430-H, 74570-H, 74574-H, 74576-H.)**

**LIBELS FILED:** March 4 and April 10, 1947, District of New Hampshire.

**ALLEGED SHIPMENT:** On or about October 24, 1946, and January 24, 27, and 30, 1947, by the Lincoln Fruit & Syrup Co., from Lawrence, Mass.

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\*See also Nos. 13901-13904.



**PRODUCT:** 7 cases of raspberry-apricot preserves and 17 cases of strawberry-peach preserves at Manchester, N. H., and 2 cases of raspberry preserves and 3 cases of strawberry preserves at Concord, N. H. Each case contained 24 1-pound jars.

**LABEL, IN PART:** "Lincoln \* \* \* Raspberry Apricot [or "Strawberry Peach," "Raspberry," or "Strawberry"] Preserves."

**NATURE OF CHARGE:** Raspberry and strawberry preserves and 1 lot of strawberry-peach preserves. Adulteration, Section 402 (b) (2), products deficient in fruit had been substituted for raspberry, strawberry, and strawberry-peach preserves. Misbranding, Section 403 (g), the products failed to conform to the definition and standard of identity for preserves since they had not been made from mixtures composed of not less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of the saccharine ingredient, as required by the regulations.

Raspberry-apricot preserves and 1 lot of strawberry-peach preserves. Adulteration, Section 402 (b) (2), a substance containing artificial color had been substituted for fruit preserves. Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity since they contained added artificial color, which is not permitted as an optional ingredient in fruit preserves.

Raspberry-apricot preserves. Misbranding, Section 403 (g) (2), its label failed to bear the name of the preserve as specified in the regulations. The definition and standard provides that if the fruit ingredient is a combination of two or more ingredients, the name "preserve" is preceded or followed by the name of the fruits in the order of their predominance. The predominant fruit by weight was apricot, whereas raspberry was named first in the label.

**DISPOSITION:** April 11 and May 29, 1947. Default decrees of condemnation. The products were ordered delivered to charitable institutions.

**14053. Adulteration and misbranding of red raspberry puree. U. S. v. 18 Barrels \* \* \*. (F. D. C. No. 25343. Sample No. 4900-K.)**

**LIBEL FILED:** August 5, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about April 5, 1946, by the Welch Fruit Products Co., from Chicago, Ill.

**PRODUCT:** 18 barrels, each containing approximately 60 gallons, of red raspberry puree at Boston, Mass.

**LABEL, IN PART:** "Welch's Seedless Red Raspberries Pureed For Ice Cream Contents One Gallon."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed raspberry material.

Misbranding, Section 403 (a), the designation "Seedless Red Raspberries Pureed" was false and misleading since the product was an artificially flavored and colored mixture of seedless red raspberries, invert sugar, phosphoric acid, and water; Section 403 (e), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Contents One Gallon" was inaccurate; and, Section 402 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient since phosphoric acid and water were not declared.

**DISPOSITION:** January 3, 1949. Default decree of condemnation and destruction.

**14054. Adulteration of fig paste. U. S. v. 306 Cases, etc. (F. D. C. No. 25721. Sample Nos. 37874-K, 37927-K.)**

**LIBEL FILED:** October 20, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 10, 1948, by F. E. Hadley & Sons, from Merced, Calif.

**PRODUCT:** 754 80-pound cases of fig paste at Seattle, Wash.

**LABEL, IN PART:** "Adriatic Fig Paste" or "Calimyrna Fig Paste."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of fermented fig paste.

**DISPOSITION:** November 28, 1948. F. E. Hadley & Sons, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit, under the supervision of the Federal Security Agency. Of the 748 cases seized, 109 cases were set aside as unfit and were destroyed and the remaining 639 cases were released.

**14055. Adulteration of fig paste. U. S. v. 15 Boxes \* \* \*. (F. D. C. No. 25444. Sample No. 45431-K.)**

**LIBEL FILED:** September 2, 1948, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about April 12, 1948, from St. Louis, Mo.

**PRODUCT:** 15 boxes, each containing 80 pounds, of fig paste at Burlington, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 16, 1948. Default decree of condemnation and destruction.

**14056. Adulteration of Greek olives. U. S. v. 30 Kegs \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24474, 24475. Sample No. 32224-K.)**

**LIBELS FILED:** March 23, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 29, 1948, by the V. R. Smith Olive Co. from Oakland, Calif.

**PRODUCT:** 55 kegs of Greek olives at Chicago, Ill.

**LABEL, IN PART:** "Oil Cured Greek Style Olives Net 100."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 4, 1948. The libel proceedings having been consolidated and the V. R. Smith Olive Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was reconditioned by a cleaning process which resulted in the elimination of the filth. Of the 44 100-pound kegs of olives that were seized, 37 100-pound kegs and 2 kegs containing 89 pounds were released as satisfactory.

**VEGETABLES AND VEGETABLE PRODUCTS**

**14057. Adulteration and misbranding of canned asparagus. U. S. v. 81 Cases \* \* \*. (F. D. C. No. 24892. Sample No. 267-K.)**

**LIBEL FILED:** June 18, 1948, Northern District of Georgia.



**ALLEGED SHIPMENT:** On or about April 27, 1948, by Walter P. Rawl, from Gilbert, S. C.

**PRODUCT:** 81 cases, each containing 24 1-pound, 3-ounce cans, of asparagus at Atlanta, Ga. The product consisted of small asparagus spears, packed in an excessive amount of water. Some of the cans contained decomposed asparagus.

**LABEL, IN PART:** "Carolina Green Asparagus Fancy Medium Spears."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), water had been substituted in whole or in part for asparagus spears.

Misbranding, Section 403 (a), the label designation "Fancy Medium" was false and misleading as applied to an article consisting of small asparagus spears with shattered heads.

**DISPOSITION:** August 26, 1948. Arthur Mims, Atlanta, Ga., Claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating and destroying the unfit portion and bringing the remainder into compliance with the law, under the supervision of the Food and Drug Administration. In accordance with this decree, 7<sup>15</sup>/<sub>24</sub> cases of the product were destroyed as unfit and the remainder of the product was relabeled to include a declaration of slack fill.

**14058. Adulteration and misbranding of canned asparagus. U. S. v. 51 Cases**  
\* \* \*. (F. D. C. No. 25743. Sample Nos. 37710-K, 37711-K.)

**LIBEL FILED:** September 15, 1948, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about May 21, 1948, by Hobbies, Inc., from Milton, Oreg.

**PRODUCT:** 25 cases, each containing 24 1-pound, 3-ounce cans, and 26 cases, each containing 6 6-pound, 5-ounce cans, of green asparagus cuts at Walla Walla, Wash.

**LABEL, IN PART:** (Can) "Blue Spark Brand All Green Asparagus Cuts Tips Removed Contents 1 Lb. 3 Oz. [or "6 Lbs. 5 Oz."] Packed By Sunnyside Packing Co., Sunnyside, Wash."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), tough, fibrous, and inedible parts of asparagus had been substituted in whole or in part for asparagus cuts, tips removed, which the article was represented to be.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity prescribed by the regulations. The definition and standard of identity provides that "Asparagus Cuts—Tips Removed" are the succulent portion of sprouts of the asparagus plant from which the tip has been removed and cut in pieces, whereas the product consisted of the tough, fibrous, and inedible parts of the asparagus plant.

**DISPOSITION:** October 18 and 20, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**14059. Adulteration of canned green beans. U. S. v. 72 Cases** \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 24371, 24700, 25008. Sample Nos. 18799-K, 26157-K, 26761-K.)

**LIBELS FILED:** On or about March 16 and 31 and July 13, 1948, Eastern and Western Districts of Missouri and Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 10, October 30, and November 13, 1947, by the Sallisaw Canning Co., Sallisaw, Okla.

PRODUCT: Canned green beans. 72 cases, each containing 24 1-pound, 3-ounce cans, at Springfield, Mo.; 698 cases, each containing 24 1-pound, 3-ounce cans, at Desloge, Mo.; and 33 cases, each containing 6 6-pound, 5-ounce cans, at Athens, Ohio.

LABEL, IN PART: "Sallisaw Brand Whole [or "Much-More Brand Cut Stringless" or "Sequoyah Brand Cut"] Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut and whole green beans since the deseeded pods contained more than 15 percent by weight of fibrous material and its label failed to bear a statement that it fell below the standard.

DISPOSITION: Between May 17 and September 8, 1948. No claimant having appeared for the Springfield, Mo., and Athens, Ohio, lots, judgments were entered ordering that the former be delivered to a Federal institution and that the latter be destroyed. The Sallisaw Canning Co., claimant for the Desloge, Mo., lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled.

**14060. Misbranding of canned cut green beans. U. S. v. 151 Cases \* \* \*.**  
(F. D. C. No. 25701. Sample No. 45829-K.)

LIBEL FILED: October 13, 1948, Western District of Tennessee.

ALLEGED SHIPMENT: On or about July 26, 1948, by the Allen Canning Co., from Siloam Springs, Ark.

PRODUCT: 151 cases, each containing 6 1-pound, 3-ounce cans, of cut green beans at Memphis, Tenn.

LABEL, IN PART: "King of Ozarks Brand Standard Grade Cut Green Beans \* \* \* Packed by Robinson Canning Co., Siloam Springs, Ark."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality prescribed by the regulations, because of excessive fibrous material in the deseeded pods.

DISPOSITION: November 8, 1948. The Allen Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

**14061. Adulteration of soybeans. U. S. v. 60 Bags, etc. (and 1 other seizure action).** (F. D. C. Nos. 25684, 25685. Sample Nos. 19963-K, 19964-K.)

LIBEL FILED: October 4, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 14 and July 7, 1948, from Dell, Ark.

PRODUCT: 60 120-pound bags and 120 150-pound bags of soybeans in the possession of the International Nutritional Laboratory, Mount Vernon, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. Further adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. Some bags were rodent-gnawed, and rodent pellets were observed on them. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 29, 1948. The International Nutritional Laboratory, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and brought into compliance with the law, under the supervision of the Federal Security Agency.



**14062. Adulteration of canned mustard greens. U. S. v. 252 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25438, 25766. Sample Nos. 15555-K, 44161-K.)**

**LIBELS FILED:** September 2 and 22, 1948, Eastern District of Michigan and Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about May 19 and 25, 1948, by the Fresh Canning Co., from Spiro, Okla.

**PRODUCT:** Canned mustard greens. 499 cases at Lexington, Ky., and 252 cases at Detroit, Mich. Each case contained 24 1-pound, 2-ounce (or 1-pound, 11-ounce) cans.

**LABEL, IN PART:** "Le Flore Fancy Mustard Greens."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids and larvae.

**DISPOSITION:** October 14 and December 17, 1948. Default decrees of condemnation. The product was ordered destroyed; the Detroit lot was used as animal feed.

**14063. Adulteration of canned turnip greens. U. S. v. 120 Cases \* \* \*. (F. D. C. No. 25696. Sample No. 45830-K.)**

**LIBEL FILED:** October 13, 1948, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about June 9, 1948, by Pharr Canning Co., Inc., from Fort Smith, Ark.

**PRODUCT:** 120 cases, each containing 6 6-pound, 2-ounce cans, of turnip greens at Memphis, Tenn.

**LABEL, IN PART:** (Can) "Vita Valley Brand Turnip Greens Contents 6 Lb. 2 Oz. Packed by Whiteside Cannery Van Buren, Ark."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

**DISPOSITION:** November 29, 1948. Default decree of condemnation and destruction.

**14064. Adulteration of black-eyed peas. U. S. v. 720 Bags \* \* \*. (F. D. C. No. 25546. Sample No. 781-K.)**

**LIBEL FILED:** September 2, 1948, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about December 30, 1947, from Omaha, Nebr.

**PRODUCT:** 720 100-pound bags of black-eyed peas at Jacksonville, Fla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 16, 1948. T. W. Holt & Co., Jacksonville, Fla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

**14065. Adulteration of black-eyed peas. U. S. v. 53 Bags \* \* \*. (F. D. C. No. 25818. Sample No. 9575-K.)**

**LIBEL FILED:** October 14, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 22, 1948, from Turkey.

**PRODUCT:** 53 100-pound bags of black-eyed peas at New York, N. Y.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** November 1, 1948. Default decree of condemnation and destruction.

**14066. Adulteration of black-eyed peas. U. S. v. 10 Bags \* \* \*. (F. D. C. No. 25796. Sample No. 13262-K.)**

**LIBEL FILED:** October 1, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 23 and November 5, 1947, from San Jose, Calif.

**PRODUCT:** 10 100-pound bags of black-eyed peas at Philadelphia, Pa.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** November 8, 1948. Default decree of condemnation and destruction.

**14067. Adulteration of black-eyed peas. U. S. v. 9 Bags \* \* \*. (F. D. C. No. 25651. Sample No. 27800-K.)**

**LIBEL FILED:** September 17, 1948, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about June 22, 1948, from Floresville, Tex.

**PRODUCT:** 9 100-pound bags of black-eyed peas at Memphis, Tenn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 21, 1948. Default decree of condemnation. The product was ordered sold to be denatured under the supervision of the Federal Security Administrator and disposed of for purposes other than for human consumption.

**14068. Adulteration of green split peas. U. S. v. 7 Bags \* \* \*. (F. D. C. No. 25786. Sample No. 2822-K.)**

**LIBEL FILED:** September 28, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about February 13, 1948, from Dixon, Ill.

**PRODUCT:** 7 100-pound bags of green split peas at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 8, 1948. Default decree of condemnation. The product was ordered sold for use as animal feed.

**14069. Misbranding of canned peas. U. S. v. 70 Cases \* \* \*. (F. D. C. No. 25195. Sample No. 45604-K.)**

**LIBEL FILED:** July 22, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about June 14, 1948, by Lord Mott Co., Inc., from Baltimore, Md.



**PRODUCT:** 70 cases, each containing 48 10½-ounce cans, of peas at St. Louis, Mo.

**LABEL, IN PART:** "Miss Wisconsin Medium June Peas \* \* \* Oconomowoc Canning Co., Distributors Oconomowoc, Wis."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article was below standard because the alcohol-insoluble solids of the peas were more than the maximum permitted by the standard.

**DISPOSITION:** August 18, 1948. Default decree of condemnation. The product was ordered delivered to charitable institutions.

**14070. Misbranding of dill pickles. U. S. v. 12 Cases \* \* \*. (F. D. C. No. 25720. Sample No. 35806-K.)**

**LIBEL FILED:** October 18, 1948, District of Nevada.

**ALLEGED SHIPMENT:** On or about September 2, 1948, by Parodi, Erminio & Co., from San Francisco, Calif.

**PRODUCT:** 12 cases, each containing 4 gallon jars, of dill pickles at Reno, Nev.

**LABEL, IN PART:** "Giorgette Brand Dill Pickles Giorgette Products Oakland California."

**NATURE OF CHARGE:** Misbranding, Section 403 (k), the product contained benzoate of soda, a chemical preservative, and it failed to bear a label stating that fact.

**DISPOSITION:** December 6, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**14071. Adulteration of potatoes. U. S. v. 45 Bags \* \* \*. (F. D. C. No. 25769. Sample No. 500-K.)**

**LIBEL FILED:** September 21, 1948, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about August 24, 1948, by Western Idaho Potato Growers, Inc., from Homedale, Idaho.

**PRODUCT:** 45 100-pound bags of potatoes at Greensboro, N. C.

**LABEL, IN PART:** (Bag) "U. S. No. 1 Idaho Blue Goose Potatoes Packed by Idaho Potato Growers, Inc., Idaho Falls, Idaho."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its musty odor and taste, rendering it unpalatable.

**DISPOSITION:** October 20, 1948. Default decree of condemnation and destruction.

**14072. Adulteration of canned spinach. U. S. v. 221 Cases \* \* \*. (F. D. C. No. 21777. Sample No. 72561-H.)**

**LIBEL FILED:** December 5, 1946, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about July 20, 1946, by the Hinton Food Products Co., from Rogers, Ark.

**PRODUCT:** 221 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Amarillo, Tex.

**LABEL, IN PART:** "Staff-O-Life Spinach."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was decomposed.)

**DISPOSITION:** September 16, 1948. The shipper, the sole intervener, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

## TOMATOES AND TOMATO PRODUCTS

**14073. Adulteration of canned tomatoes. U. S. v. 549 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25908, 25909. Sample Nos. 19791-K, 19988-K.)**

**LIBELS FILED:** November 10 and 24, 1948, Western District of Kentucky and Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 14 and 15, 1948, by Stokely-Van Camp, Inc., from Greenfield, Ind.

**PRODUCT:** Tomatoes. 549 cases at Louisville, Ky., and 229 cases at Columbus, Ohio. Each case contained 24 1-pound, 3-ounce cans.

**LABEL, IN PART:** "Stokeley's Finest Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** January 24 and 28, 1949. Default decrees of condemnation. The 229 cases at Columbus, Ohio, were ordered destroyed. The 549 cases at Louisville, Ky., were ordered delivered to a charitable institution, for use as animal feed.

**14074. Misbranding of canned tomatoes. U. S. v. 273 Cases \* \* \*. F. D. C. No. 25996. Sample No. 23516-K.)**

**LIBEL FILED:** November 5, 1948, Western District of Arkansas.

**ALLEGED SHIPMENT:** On or about July 15, 1948, by the Timpson Valley Canning Co., from Big Sandy, Tex.

**PRODUCT:** 273 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Texarkana, Ark.

**LABEL, IN PART:** "Hall Bros Quality Tomatoes \* \* \* Packed By Hall Bros. Canning Co., Timpson, Texas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of low drained weight and excess peel, and its label failed to bear the substandard legend as required by the regulations.

**DISPOSITION:** January 15, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution.

**14075. Adulteration of tomato catsup. U. S. v. Kent Food Corp. Plea of guilty. Fine, \$350. (F. D. C. No. 24052. Sample No. 76150-H.)**

**INFORMATION FILED:** September 17, 1948, Eastern District of New York, against the Kent Food Corp., Brooklyn, N. Y.

**ALLEGED SHIPMENT:** On or about October 30, 1946, from the State of New York into the State of Pennsylvania.

**LABEL, IN PART:** "Michigan Brand Grade A Tomato Catsup \* \* \* Packed By Beutel Canning Co. Bay City, Mich."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance.

**DISPOSITION:** January 13, 1949. A plea of guilty having been entered, the court imposed a fine of \$350.

**14076. Adulteration of tomato catsup. U. S. v. 1,574 Cases \* \* \*. (F. D. C. No. 22580. Sample No. 76150-H.)**

**LIBEL FILED:** February 26, 1947, Middle District of Pennsylvania.



**ALLEGED SHIPMENT:** On or about November 2, 1946, by the Kent Food Corp., from Brooklyn, N. Y.

**PRODUCT:** 1,574 cases, each containing 24 14-ounce bottles, of tomato catsup at Scranton, Pa.

**LABEL, IN PART:** "Michigan Brand Grade A Tomato Catsup \* \* \* Packed By Beutel Canning Co. Bay City, Mich."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** December 29, 1948. The shipper having appeared as claimant, but subsequently having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**14077. Adulteration of tomato catsup. U. S. v. 902 Cases \* \* \* (and 1 other seizure action). Tried to the court. Judgment of district court permitting release of product for export overruled by circuit court of appeals. Decree of condemnation and destruction. (F. D. C. Nos. 22307, 22308. Sample Nos. 76148-H, 76149-H.)**

**LIBELS FILED:** February 26, 1947, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about November 2, 1946, by the Beutel Canning Co., from Bay City, Mich.

**PRODUCT:** Tomato catsup. 902 cases at Maspeth, L. I., N. Y., and 215 cases at Brooklyn, N. Y. Each case contained 24 14-ounce bottles.

**LABEL, IN PART:** "Michigan Brand Grade A Tomato Catsup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** The Kent Food Corp., Brooklyn, N. Y., and the Clark-Iger Food Products Co., Inc., claimants, filed a motion for the entry of an order permitting the sale of the product for export. On July 3, 1947, the claimants' motion was granted, and on July 16, 1947, a decree was entered consolidating the 2 actions and ordering the product condemned and released under bond for export.

On June 16, 1948, the Circuit Court of Appeals for the Second Circuit reversed the lower court, with the following opinion:

**CLARK, Circuit Judge:** "This appeal presents the question whether food condemned as adulterated in interstate commerce under the prohibition of the Federal Food, Drug, and Cosmetic Act, § 304, 21, U. S. C. A. § 334, may be released to the owners for export to another country. The district court, in an endeavor to conserve food available for human consumption and relying upon a provision of the Act exempting food products intended for export, § 801 (d), 21 U. S. C. A. § 381 (d), held in favor of the claimant owners. The United States has appealed, contending that such action is beyond the court's power.

"Here two libels were filed on February 26, 1947, for the seizure and condemnation of two lots of tomato catsup shipped in interstate commerce in November, 1946. Kent Food Corp. claimed the 215 cases involved in the first libel. It also claimed 441 of the 902 cases attached in the second libel, while Clark-Iger Food Products Co., Inc., claimed the remaining 461 cases. Claimants without answering moved 'for an order approving a consent' to a decree of condemnation entered on condition that an order be made directing the United States Marshal to release the catsup to the owners and permit



them to sell it for export purposes only. The district court accepted the claimants' contention that the catsup was packed for export when it was seized, stating that the adulteration consisted of high mold count, but that the goods were still fit for human consumption. Accordingly it entered a decree containing first an order of condemnation of the articles to the United States of America and then successive orders providing for their release by the Marshal to the claimants upon the filing of a bond conditioned in appropriate detail for the packing of the articles for export and shipment out of the country, in compliance with the provisions of 21 U. S. C. A. § 381 (d) and under the supervision of the Food and Drug Administration of the Federal Security Agency. Thereupon the United States moved for a reargument, pointing out, among other things, that the Kent Food Corp. had actually been selling the adulterated articles for domestic consumption. The court granted the reargument and it adhered to its original ruling, even though it now found 'that the claimants did not intend to export the goods, but planned to dispose of them in the domestic market.' It held that it had power in its discretion to permit the export of the goods under proper restrictions and was not required to order them destroyed.

"The appeal of the United States is based upon an asserted lack of power of the district court thus to dispose of condemned articles. In supporting its position, the Government also asserts that the court's holding has the effect of destroying the efficacy of the original order of condemnation, since it permits and encourages persons subject to the Act to gamble upon compliance, knowing that the penalty for violation will be only an order for sale in the export trade. The only power of the Government to condemn is statutory, and hence our problem is solely one of statutory construction.

"Subdivision (a) of 21 U. S. C. A. § 334 makes liable to condemnation any article of food 'that is adulterated or misbranded when introduced into or while in interstate commerce.' Subdivision (d) of the same section provides for the disposition of condemned food by 'destruction or sale' as the court may direct, with the direction that it shall not be sold contrary to the provisions of the Act or the laws of the jurisdiction in which it is sold, and with the further proviso that, upon the claimants paying the costs and executing a bond conditioned that the article shall not be sold or disposed of contrary to the provisions of the Act or the laws of any state or territory in which sold, 'the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this chapter under the supervision of an officer or employee duly designated by the Administrator. 21 U. S. C. A. § 342 (a) (3) states that a food shall be deemed to be adulterated '(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.'

"In a separate chapter of the Act, dealing with imports and exports, it is provided that a food 'intended for export shall not be deemed to be adulterated or misbranded under this chapter if it (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping package to show that it is intended for export.' 21 U. S. C. A. § 381 (d). The section goes on to provide: 'But if such article is sold or offered for sale in domestic commerce, this subsection shall not exempt it from any of the provisions of this chapter.'

"Thus the language of this last section deals with a subject matter entirely apart from that of condemnation under § 334. Here we have the statement of



an *exemption* from the operation of the Act. Sec. 334 deals, however, with the consequences of a violation of the Act by introducing an adulterated article into interstate commerce; and subd. (d) sets forth sanctions and remedies for such violation. Thus the part of the section which deals with release to the owner expressly provides either for destruction of the article or for its being brought into compliance with the provisions of the Act. It is further made clear that the article is not to be sold contrary to the provisions either of the Act or the laws of the jurisdiction in which it is sold. There is no provision for a sanction by way of a delayed exemption for export purposes, such as might have been secured had the articles been originally intended for such purposes. The district court did not consider that these articles were being brought into compliance with the law; indeed, there was no basis for such a view. The court thought it had discretion to resort, even after the articles had been condemned, to the special exemption granted by the statute.

"In this we think the court was in error. The power specifically given to the court to do only certain things upon condemnation of the articles excludes the possibility of according them a status they might originally have had, had they never been introduced into interstate commerce for the purpose of domestic sale. The clear purpose of the statute appears to be to visit the statutory penalties or sanctions upon articles thus found to be in violation of its provisions. See *Hipolite Egg Co. v. United States*, 220 U. S. 45, 57, 58; *United States v. Dotterweich*, 320 U. S. 277, 280. The practical aspects of the situation would seem to support this construction, for there is nowhere disclosed an intention that a violator of the Act may avoid the consequences of his wrong by then exporting the outlawed goods to some foreign country which will receive them. However laudatory may be the purpose to conserve the food supply (perhaps even of a condiment or relish such as catsup), an attempt to rewrite the Act along these lines seems likely to have the effect of nullifying its chief purposes. The several provisions for extensive remedies of not merely seizure and condemnation, § 304, 21 U. S. C. A. § 334, but criminal prosecution and injunction, §§ 301-303, 21 U. S. C. A. §§ 331-333, also suggest the impropriety of the result reached below. Such limited legislative history as is called to our attention is to the same effect.<sup>1</sup>

"Consequently we think that the provisions of the decree appealed from which go beyond the judgment of condemnation and provide for the release under the stated conditions of the articles to the claimants for export abroad are beyond the power of the court. The libels must be remanded for the elimination of these provisions and for the substitution of provisions appropriate to the condemnation of the articles under 21 U. S. C. A. § 334 (d)."

"Reversed and remanded."

On July 19, 1948, the court of appeals denied the claimants' petition for rehearing, following which the claimants petitioned to the United States Supreme Court for a writ of certiorari. This petition was denied on December 6, 1948.

On January 6, 1949, with the consent of the claimants, judgment was entered ordering that the product be destroyed.

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<sup>1</sup> The United States directs attention to congressional committee reports which emphasized the essential similarity of 21 U. S. C. A. § 381 (d) with the export exemption provision of the former § 2 of the Food and Drugs Act of 1906, 21 U. S. C. A. § 2, and argues that this imported an approval of the consistent policy, throughout the 32-year life of the Food and Drugs Act, upon the part of the Administration to resist any attempt to effect the export of condemned food in the adulterated condition which was the basis of its condemnation. It cites *United States v. Jackson*, 280 U. S. 183, 193, and other cases, to the effect that an administrative interpretation, supported by reenactment of the statute, is entitled to weight in construing the statute.



**14078. Misbranding of tomato catsup. U. S. v. 89 Cases \* \* \*. (F. D. C. No. 25276. Sample No. 36273-K.)**

**LIBEL FILED:** August 18, 1948, District of Montana.

**ALLEGED SHIPMENT:** On or about May 24, 1948, by the California Packing Corp., from Evona, Utah.

**PRODUCT:** 89 cases, each containing 6 cans, of tomato catsup at Havre, Mont.

**LABEL, IN PART:** "Utah's Favorite Brand Tomato Catsup Net Contents 7 lbs. 12 ozs. Distributed by Woods Cross Canning Co., Clearfield, Utah."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since each can contained less than the labeled 7 pounds, 12 ounces.

**DISPOSITION:** October 11, 1948. The Woods Cross Canning Co., claimant, having admitted the allegations of the libel, judgment was entered ordering the product released under bond to be relabeled, under the supervision of the Food and Drug Administration.

**14079. Adulteration of tomato puree. U. S. v. 70 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25211, 25416. Sample Nos. 20410-K, 45725-K.)**

**LIBELS FILED:** On or about July 23, 1948, and August 31, 1948, Eastern and Western Districts of Missouri.

**ALLEGED SHIPMENT:** On or about June 7, 1948, by Netzleys Cannery, from Laura, Ohio.

**PRODUCT:** Tomato puree. 70 cases at St. Louis, Mo., and 35 cases at Kansas City, Mo. Each case contained 48 10½-ounce cans.

**LABEL, IN PART:** "Tops-Em Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** August 18 and September 27, 1948. Default decrees of condemnation and destruction.

## NUTS AND NUT PRODUCTS

**14080. Adulteration of peanut butter and granulated peanuts. U. S. v. Martin Food Products, Inc. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 25328. Sample Nos. 24281-K, 25097-K, 25324-K.)**

**INFORMATION FILED:** October 26, 1948, Northern District of Illinois, against Martin Food Products, Inc., Chicago, Ill.

**ALLEGED SHIPMENT:** On or about March 3 and April 1 and 21, 1948, from the State of Illinois into the States of Wisconsin and South Dakota.

**LABEL, IN PART:** "Pal Peanut Butter" or "Granulated Peanuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments in the peanut butter, and insects, insect fragments, and insect excreta in the granulated peanuts; and, Section 402 (a) (4), the peanut butter had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 30, 1948. A plea of nolo contendere having been entered, the defendant was fined \$500.



**14081. Misbranding of peanuts and cashew nuts. U. S. v. 33 Cartons, etc.**  
(F. D. C. No. 25506. Sample Nos. 7667-K to 7669-K, incl.)

**LIBEL FILED:** August 27, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about July 9, 1948, by Lik-Em Peanut Co., Inc., from Pittsburgh, Pa.

**PRODUCT:** 33 cartons, each containing 12 4-ounce baskets, of salted peanuts; 10 cartons, each containing 12 4-ounce baskets, of Spanish peanuts; and 10 cartons, each containing 12 4-ounce baskets, of cashew nuts at Buffalo, N. Y.

**LABEL, IN PART:** (Basket) "Lik-Em Salted Peanuts [or "Cashew Nuts"]."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the containers of the product were so filled as to be misleading since there was an excessive amount of invisible unfilled space therein, making the baskets appear to contain more nuts than was actually the case.

**DISPOSITION:** September 20, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**14082. Adulteration of coconut. U. S. v. 25 Cartons \* \* \*. (F. D. C. No. 25762. Sample No. 499-K.)**

**LIBEL FILED:** September 17, 1948, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about November 5, 1947, from Miami, Fla.

**PRODUCT:** 25 cartons, each containing 48 4-ounce packages, of coconut at Winston-Salem, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold and was unfit for food by reason of its soapy taste. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 15, 1948. Default decree of condemnation and destruction.

## OILS AND FATS

**14083. Adulteration and misbranding of french dressing. U. S. v. 208 Cases \* \* \*. (F. D. C. No. 22366. Sample No. 62224-H.)**

**LIBEL FILED:** January 3, 1947, District of Montana.

**ALLEGED SHIPMENT:** On or about September 25 and October 4, 1946, by the George Importing Co., from Chicago, Ill.

**PRODUCT:** 208 cases, each containing 24 12-ounce bottles, of french dressing at Havre, Mont.

**LABEL, IN PART:** "Maurice's French Dressing Contains salad oil, vinegar, water, sugar, paprika, spices, tomato puree and gum tragacanth."

**NATURE OF CHARGE:** Adulteration, Section 402, (b) (1), a valuable constituent, oil, had been in whole or in part omitted from the product.

Misbranding, Section 403 (a), the label statement "French Dressing" was false and misleading since the product contained an insignificant amount of oil. Further misbranding, Section 403 (a), the labeling of the product was misleading since the listing of "Salad Oil" first in the list of ingredients gave the impression that this was the predominating ingredient, as is expected in french dressing.

**DISPOSITION:** March 21, 1947. Default decree of condemnation and destruction.

**14084. Adulteration of salad dressing. U. S. v. 623 Cases \* \* \*. (F. D. C. No. 25426. Sample No. 22722-K.**

**LIBEL FILED:** September 1, 1948, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about January 15, 1947, from Tampa, Fla.

**PRODUCT:** 623 cases, each containing 24 1-pint jars, of salad dressing at Pascagoula, Miss.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its disagreeable odor and nauseating taste. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 17, 1948. Default decree of condemnation and destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**14085. Misbranding of chili powder. U. S. v. Gebhardt Chili Powder Co. Plea of guilty. Fine, \$500. (F. D. C. No. 25289. Sample No. 22296-K.)**

**INFORMATION FILED:** September 16, 1948, Western District of Texas, against the Gebhardt Chili Powder Co., a corporation, San Antonio, Tex.

**ALLEGED SHIPMENT:** On or about February 16, 1948, from the State of Texas into the State of Louisiana.

**LABEL, IN PART:** "Gebhardt's Eagle Chili Powder \* \* \* Net Weight 1 ounce."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the bottles containing the food contained less than 1 ounce net weight, the declared weight.

**DISPOSITION:** December 14, 1948. A plea of guilty having been entered, the corporation was fined \$500.

**14086. Adulteration of anise seed, celery seed, and dill seed. U. S. v. 10 Sacks, etc. (F. D. C. No. 25635. Sample Nos. 23279-K, 23280-K, 23763-K to 23766-K, incl.)**

**LIBEL FILED:** On or about September 15, 1948, Southern District of Texas.

**ALLEGED SHIPMENT:** Between February and August 1948, from Rochester, N. Y., and/or Philadelphia, Pa.

**PRODUCT:** 10 100-pound sacks of anise seed, 5 100-pound sacks of celery seed, 2 100-pound sacks and 27 10-pound boxes of dill seed, 42 10-pound boxes of Indian celery seed, and 9 10-pound boxes of ground celery seed at Houston, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. They were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 28, 1948. Default decree of condemnation and destruction.

**14087. Adulteration of caraway seed. U. S. v. 6 Bags \* \* \*. (F. D. C. No. 25246. Sample No. 27953-K.)**

**LIBEL FILED:** August 5, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 24, 1947, from New York, N. Y.

**PRODUCT:** 6 109-pound bags of caraway seed at St. Louis, Mo., in possession of the Frisco Bakers Supply Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted



in whole or in part of a filthy substance by reason of the presence of rodent excreta, cockroach excreta, and live mites; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 31, 1948. Abe Goldstein, trading as the Frisco Bakers Supply Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be cleaned under the supervision of the Food and Drug Administration, so that all foreign substances would be removed.

**14088. Adulteration of mustard seed. U. S. v. 330 Bags \* \* \*. (F. D. C. No. 25667. Sample No. 32394-K.)**

**LIBEL FILED:** September 27, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about June 2, 1948, from Sunburst, Mont.

**PRODUCT:** 330 100-pound bags of mustard seed in the possession of the H. J. Heinz Co., Berkeley, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 27, 1948. The H. J. Heinz Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the salvage of the fit portion, under the supervision of the Federal Security Agency. The urine-contaminated portion of the product, consisting of 690 pounds, was removed and destroyed.

**14089. Adulteration of poppy seed. U. S. v. 35 Bags \* \* \*. (F. D. C. No. 25715. Sample No. 31778-K.)**

**LIBEL FILED:** October 15, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about April 16, 1948, from The Netherlands.

**PRODUCT:** 35 100-pound bags of poppy seed at Terminal Island, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and rodent urine; and Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 1, 1948. D. Hecht & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for separation of the fit from the unfit, under the supervision of the Federal Security Agency. The salvage operations resulted in the recovery of 1,596 pounds, the destruction of 1,800 pounds, and a loss of 104 pounds during the operations.

**14090. Adulteration of white pepper U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 25739. Sample No. 1303-K.)**

**LIBEL FILED:** On or about September 14, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about March 25, 1948, from St. Louis, Mo.

**PRODUCT:** 1 175-pound barrel of white pepper at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 12, 1948. Default decree of condemnation and destruction.

**14091. Adulteration of thyme leaves. U. S. v. 108 Bags \* \* \*. (F. D. C. No. 25817. Sample No. 9570-K.)**

**LIBEL FILED:** October 14, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 17, 1943, from New Orleans, La.

**PRODUCT:** Thyme leaves. 108 bags at New York, N. Y.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** November 1, 1948. Default decree of condemnation and destruction.

## **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE\***

**14092. Adulteration and misbranding of Vi-et Tablets. U. S. v. Cerophyl Laboratories, Inc. Plea of nolo contendere. Fine of \$250 and costs. (F. D. C. No. 25577. Sample No. 20291-K.)**

**INFORMATION FILED:** October 18, 1948, Western District of Missouri, against Cerophyl Laboratories, Inc., Kansas City, Mo.

**ALLEGED SHIPMENT:** On or about February 13, 1948, from the State of Missouri into the State of Nebraska.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Vitamin Content of Vi-et Per 5 Grams (10 Tablets) \* \* \* D Irradiated ergosterol 400 USP" was false and misleading since each 5 grams (10 tablets) of the article contained less than 400 U. S. P. units of vitamin D.

**DISPOSITION:** November 29, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$250 and costs.

**14093. Adulteration and misbranding of Harmony Vitamins. U. S. v. 12 Boxes \* \* \*. (F. D. C. No. 25783. Sample No. 18271-K.)**

**LIBEL FILED:** October 5, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** About the year 1943, from Jersey City, N. J.

**PRODUCT:** 12 boxes, each containing 12 cartons, of vitamin capsules at Tiffin, Ohio. Each carton contained 28 vitamin capsules.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin A, vitamin B<sub>1</sub>, and vitamin D, had been in part omitted and abstracted from the product.

Misbranding, Section 403 (a), the label statements "Each capsule contains Vitamin A (Fish Liver Oil) 4000 U. S. P. Units (Adult min. daily requirement is 4000 U. S. P. Units) Thiamine Hydrochloride (Vitamin B<sub>1</sub>) 333 U. S. P. Units (Adult min. daily requirement is 333 U. S. P. Units) Vitamin D (Activated

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\*See also No. 13960.



Ergosterol) 400 U. S. P. Units (Adult min. daily requirement is 400 U. S. P. Units)" were false and misleading since the product did not contain in each capsule the stated amounts of the vitamins mentioned.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 1, 1948. Default decree of condemnation and destruction.

**14094. Adulteration and misbranding of vitamin B complex tablets. U. S. v. 71 Cartons \* \* \*. (F. D. C. No. 25784. Sample No. 18272-K.)**

LIBEL FILED: October 5, 1948, Northern District of Ohio.

ALLEGED SHIPMENT: About the year 1943, from New York, N. Y.

PRODUCT: 71 cartons, each containing 1 bottle, of vitamin B complex tablets at Tiffin, Ohio. Each bottle contained 100 tablets.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted and abstracted from the product.

Misbranding, Section 403 (a), the label statement "3 \* \* \* tablets daily provides the minimum daily adult requirement of Thiamine (Vitamin B<sub>1</sub>) \* \* \* Each tablet Thiamine (vitamin B<sub>1</sub>) .333 Milligrams 333 Micrograms" was false and misleading as applied to a product which did not contain the stated amounts of vitamin B<sub>1</sub>.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 5, 1948. Default decree of condemnation and destruction.

**14095. Adulteration and misbranding of dicalcium phosphate tablets. U. S. v. 2 Drums \* \* \*. (F. D. C. No. 25242. Sample No. 22395-K.)**

LIBEL FILED: August 4, 1948, Northern District of Alabama.

ALLEGED SHIPMENT: On or about May 13, 1948, from Cleveland, Ohio.

LABEL, IN PART: "Dicalcium Phosphate Tablets Each Tablet Contains: \* \* \* Vitamin D Synthetic 444 U. S. P. Units."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted.

Misbranding, Section 403 (a), the label statement "Each Tablet Contains: \* \* \* Vitamin D 444 U. S. P. Units" was false and misleading. The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 21, 1948. Default decree of condemnation and destruction.

**14096. Adulteration and misbranding of Crest-A-Min. U. S. v. 5 Cases \* \* \*. (F. D. C. No. 24651. Sample No. 19601-K.)**

LIBEL FILED: May 24, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 6, 1948, by the Crestline Co., from Chicago, Ill.

PRODUCT: 5 cases, each containing 24 bottles, of Crest-A-Min at Cincinnati, Ohio. Examination showed that the product was an orange-colored powder, flavored with oil of orange and containing organic matter and minerals. Each ½ ounce contained 189 milligrams of calcium and 187 milligrams of phosphorus.

LABEL, IN PART: "Crest-A-Min A Food Supplement \* \* \* ½ oz. Crest-A-Min contains \* \* \* calcium 375 milligrams \* \* \* phosphorus 375 milligrams \* \* \* Net Weight 12 oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, calcium and phosphorus, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements "Each  $\frac{1}{2}$  oz. contains \* \* \* calcium 375 milligrams \* \* \* phosphorus 375 milligrams" were false and misleading.

**DISPOSITION:** August 11, 1948. Default decree of condemnation and destruction.

**14097. Adulteration of Army K Rations. U. S. v. 131 Cases \* \* \*. (F. D. C. No. 25726. Sample No. 36543-K.)**

**LIBEL FILED:** October 25, 1948, District of Oregon.

**ALLEGED SHIPMENT:** On or about July 22 and 28, 1948, by Pacific Associates, Inc., from Seattle, Wash.

**PRODUCT:** 131 cases, each containing 36 units, of Army K Rations at Portland, Oreg.

**LABEL, IN PART:** "U. S. Army Field Ration K."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

**DISPOSITION:** December 8, 1948. Default decree of condemnation and destruction.

## MISCELLANEOUS FOODS

**14098. Misbranding of gift packages. U. S. v. 1,040 Packages. (F. D. C. No. 25808. Sample No. 31586-K.)**

**LIBEL FILED:** October 7, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about August 25, 1948, by Martin Kay Food Products, Los Angeles, Calif.

**PRODUCT:** 1,040 gift packages at Wilmington, Calif. Each package contained 1 can of preserves, 1 can of lemon drops, 1 can of mixed vegetables, 1 can of granulated sugar, and 2 cans of rice.

**LABEL, IN PART:** "From an American Friend Kay's Brand Pure Pineapple Preserves Net Weight—9 Ounces [or "Mixed Vegetables Net Weight  $7\frac{1}{2}$  Ounces," "Pure Granulated Sugar Net Weight—One Pound," or "White Pearl Rice Net Weight—One Pound"]."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designation "Pineapple Preserves" was false and misleading since the product consisted of plum preserves; and, Section 403 (e) (2), the rice, sugar, and mixed vegetables were in package form and failed to bear labels containing accurate statements of the quantity of the contents since the cans contained less than the labeled weights; and, Section 403 (i) (2), the lemon drops were fabricated from two or more ingredients, and the label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** October 19, 1948. Martin Kay, trading as Martin Kay Food Products, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration.

**14099. Adulteration of Amaizo Dextrose U. S. v. 10 Bags \* \* \*. (F. D. C. No. 24996. Sample No. 6130-K.)**

**LIBEL FILED:** July 9, 1948, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about April 20, 1948, from Columbus, Ohio.



PRODUCT: 10 100-pound bags of Amaizo Dextrose at Pittsburgh, Pa., in possession of the White Terminal Co.

NATURE OF CHARGE: The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, under Section 402 (a) (4), in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 10, 1948. Default decree of condemnation and destruction.

14100. Adulteration and misbranding of Anti-Skipper Compound. U. S. v. 650 Cases \* \* \*. (F. D. C. No. 25668. Sample No. 19562-K.)

LIBEL FILED: September 27, 1948, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about April 4, 1947, by the Hamilton-Bacon-Hamilton Co., from Bristol, Va.

PRODUCT: 650 cases, each containing 24 or 48 cans, of Anti-Skipper Compound at Nashville, Tenn. Examination showed that the product contained about 83 percent of borax.

LABEL, IN PART: "Bacon's Famous Brand Anti-Skipper Compound \* \* \* 7 Ounces [or "15 Ounces"] Bacon Manufacturing Company Bristol Va-Tenn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous and deleterious substance, borax, which may have rendered it injurious to health.

Misbranding, Section 403 (a), the label statements "Anti-Skipper Compound \* \* \* To Prevent Skippers on Cured Meats \* \* \* Bacon's Anti-Skipper Compound when used according to directions will prevent skippers in your meat during the entire year \* \* \* contains enough Bacon's Anti-Skipper Compound to treat about 300 [or "650"] pounds of meat" were false and misleading since they represented and suggested that the article might safely be used, whereas such use would be potentially dangerous to the health of the consumer.

DISPOSITION: December 16, 1948. Default decree of condemnation and destruction.

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<sup>1</sup> (14048) Seizure contested.

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<sup>1</sup> (14048) Seizure contested.<sup>2</sup> (14077) Seizure contested. Contains opinion of the court.



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<sup>1</sup> (14048) Seizure contested.  
<sup>2</sup> (14077) Seizure contested. Contains opinion of the court.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

14101-14300

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

J. DONALD KINGSLEY, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *June 27, 1949.*

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## BEVERAGES AND BEVERAGE MATERIALS

**14101. Adulteration of beer. U. S. v. 1,754 Cases, etc. (F. D. C. No. 25871. Sample No. 23888-K.)**

**LIBEL FILED:** October 21, 1948, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about August 16, 1948, by the Ebling Brewing Co., Inc., from New York, N. Y.

**PRODUCT:** 1,754 cases, each containing 24 12-ounce cans, and 498 cases, each containing 12 12-ounce cans, of beer at Birmingham, Ala.

**LABEL, IN PART:** "Ebling Premium Beer."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance and was otherwise unfit for food by reason of its unpalatable taste and odor.

**DISPOSITION:** January 25, 1949. Default decree of condemnation and destruction.

**14102. Adulteration of fruit-flavored beverages. U. S. v. 76 Cases, etc. (F. D. C. No. 25813. Sample Nos. 8192-K to 8195-K, incl.)**

**LIBEL FILED:** October 11, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about May 28, 1946, from Chicago, Ill.

**PRODUCT:** 162 cases, each containing 12 32-fluid-ounce bottles, of fruit-flavored beverages at Bridgeport, Conn.

**LABEL, IN PART:** "Haddad's Valencia Brand Grape [or "Pineapple," "Orange," or "Fruit Punch"] Drink."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 29, 1948. Default decree of condemnation and destruction.

**14103. Adulteration of tomato juice. U. S. v. 150 Cases (and 1 other seizure action). (F. D. C. Nos. 26041, 26073. Sample Nos. 48079-K, 48080-K.)**

**LIBELS FILED:** November 16 and 17, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 12 and 18 and September 2 and 28, 1948, by the Brakeley Food Products Co., from Bordentown, N. J.

**PRODUCT:** 1,350 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Philadelphia, Pa.

**LABEL, IN PART:** "Farm Fresh Grade 'A' Fancy Tomato Juice Packed \* \* \*  
By Garden State Canning Co., Hightstown, N. J."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs, and of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** December 20, 1948. Default decrees of condemnation and destruction.

**14104. Adulteration of tomato juice. U. S. v. 167 Cases \* \* \*. (F. D. C. No. 26002. Sample No. 12880-K.)**

**LIBEL FILED:** November 3, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 3, 1948, by the Brakeley Food Products Co., from Bordentown, N. J.

**PRODUCT:** 167 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Philadelphia, Pa.

**LABEL, IN PART:** "Farm Fresh Brand Grade 'A' Fancy Tomato Juice \* \* \* Packed \* \* \* By Garden State Canning Co. Hightstown, N. J."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** December 7, 1948. Default decree of condemnation and destruction.

**14105. Adulteration of tomato juice. U. S. v. 179 Cases \* \* \*. (F. D. C. No. 26211. Sample Nos. 40234-K, 40235-K.)**

**LIBEL FILED:** December 8, 1948, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about October 1, 1948, by S. E. W. Friel, from Queens-town, Md.

**PRODUCT:** 83 cases, each containing 24 1-pint, 2-fluid-ounce cans, and 96 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Danville, Va.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 22, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution, conditioned that it not be used for human consumption.

**14106. Adulteration of tomato juice. U. S. v. 95 Cases \* \* \*. (F. D. C. No. 26374. Sample No. 4844-K.)**

**LIBEL FILED:** December 31, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about October 6, 1948, by S. E. W. Friel, from Queens-town, Md.

**PRODUCT:** 95 cases, each containing 24 cans, of tomato juice at Springfield, Mass.

**LABEL, IN PART:** (Cans) "Contents 1 Pt. 2 Fl. Oz. Friel's Grade A Fancy [or "Luscious"] Tomato Juice."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 7, 1949. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**14107. Adulteration of banana-marshmallow cookies. U. S. v. 60 Cartons**  
\* \* \*. (F. D. C. No. 26233. Sample No. 45873-K.)

**LIBEL FILED:** January 3, 1949, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about November 8, 1948, by Gordon Foods, Inc., from Atlanta, Ga.

**PRODUCT:** 60 cartons, each containing 16 cookies, at Memphis, Tenn.

**LABEL, IN PART:** (Cartons) "Gordon's Marshmallow Pie."

**NATURE OF CHARGE:** Adulteration, Section 402 (c), the product contained aminoazoorthotoluene, a coal-tar color that had not been listed for use in foods in accordance with the regulations, and was other than one from a batch that had been certified.

**DISPOSITION:** February 3, 1949. Default decree of condemnation and destruction.

**14108. Adulteration of vanilla wafers. U. S. v. 69 Cases** \* \* \*. (F. D. C. No. 25888. Sample No. 45850-K.)

**LIBEL FILED:** October 28, 1948, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about September 22, 1948, by the Capitol Candy & Cookie Co., from Jackson, Miss.

**PRODUCT:** 69 cases, each containing 18 4½-ounce packages, of vanilla wafers at Memphis, Tenn.

**LABEL, IN PART:** "Leader Brand Vanilla Wafers."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 3, 1949. Default decree of condemnation. The product was ordered sold for use other than for human consumption.

**14109. Adulteration of pretzels, U. S. v. 9 Cartons, etc. (F. D. C. No. 25955. Sample Nos. 7830-K to 7832-K, incl.)**

**LIBEL FILED:** November 22, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about November 3, 1948, by Num Num Foods, Inc., from Cleveland, Ohio.

**PRODUCT:** Pretzels. 9 cartons, each containing 42 packages; 20 5-pound cans; and 12 cartons, each containing 15 7-ounce packages, at Buffalo, N. Y.

**LABEL, IN PART:** "Num Num Pretzels" or "Butter Pretzels."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 20, 1948. Default decree of condemnation and destruction.

### CORN MEAL

**14110. Adulteration of corn meal. U. S. v. 365 Bags, etc. (F. D. C. No. 25961. Sample No. 1608-K.)**

**LIBEL FILED:** October 25, 1948, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about August 23, 1948, from Brevard, N. C.

**PRODUCT:** 365 5-pound bags and 105 10-pound bags of corn meal at Union, S. C.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** December 4, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**14111. Adulteration of corn meal. U. S. v. 71 Bales, etc. (F. D. C. No. 25901. Sample Nos. 44187-K, 44189-K, 44190-K.)**

**LIBEL FILED:** November 2, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 22, 1948, by Schultz, Baujan & Co., from Beardstown, Ill.

**PRODUCT:** 71 bales, each containing 10 5-pound bags, 27 25-pound bags, and 13 100-pound bags, of corn meal at Reading, Ohio.

**LABEL, IN PART:** "Critic Enriched White Corn Meal" or "Critic Kiln Dried White Cream Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** November 17, 1948. Ed. G. Koehl, Inc., Reading, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

**14112. Adulteration of corn meal. U. S. v. 24 Bales \* \* \*. (F. D. C. No. 26247. Sample No. 25134-K.)**

**LIBEL FILED:** December 29, 1948, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 3 and 26, 1948, by Timme Brothers, Inc., from Lake Delton, Wis.

**PRODUCT:** 24 bales, each containing 10 bags, of corn meal at McGregor, Iowa.

**LABEL, IN PART:** "5 lbs. net when packed Perfecto Golden Corn Meal."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hair fragments, and insect fragments.

**DISPOSITION:** January 31, 1949. Default decree of condemnation. The product was ordered sold to the highest bidder, conditioned that it be denatured into animal feed.

**14113. Adulteration of corn meal. U. S. v. 239 Sacks \* \* \*. (F. D. C. No. 25918. Sample No. 23355-K.)**

**LIBEL FILED:** November 10, 1948, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about August 16 and October 12, 1948, by the Wade Wood Milling Co., from Birmingham, Ala.

**PRODUCT:** 239 2-pound sacks of corn meal at New Orleans, La.

**LABEL, IN PART:** "Winner Enriched Degermed White Corn Meal 2 Lbs. Net Weight."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 20, 1948. Default decree of condemnation and destruction.

### FLOUR

Nos. 14114 to 14136 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) The flour reported in No. 14137 failed to meet the standard for enriched flour.

**14114. Adulteration of flour. U. S. v. 80 Bags \* \* \*. (F. D. C. No. 25972. Sample No. 31272-K.)**

**LIBEL FILED:** October 27, 1948, District of Arizona.

**ALLEGED SHIPMENT:** On or about July 16, 1948, from Pueblo, Colo.

**PRODUCT:** 80 100-pound bags of flour at Globe, Ariz.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 10, 1949. Default decree of condemnation. The product was ordered delivered to a public institution, for use as stock feed.

**14115. Adulteration of flour. U. S. v. 53 Bags, etc. (F. D. C. No. 25970. Sample No. 1610-K.)**

**LIBEL FILED:** October 25, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about May 28, 1948, from Trenton, Ill.

**PRODUCT:** 53 25-pound bags and 193 50-pound bags of flour at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 16, 1948. Georgia Feed and Grocery Co., Inc., Atlanta, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation and conversion of the unfit portion into stock feed, under the supervision of the Federal Security Agency. On December 31, 1948, all of the product was converted into stock feed by mixing it with fish meal.

**14116. Adulteration of flour. U. S. v. 102 Bags \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 25969, 25987. Sample Nos. 31273-K to 31276-K, incl.)

**LIBELS FILED:** October 25 and November 1, 1948, District of Arizona.

**ALLEGED SHIPMENT:** On or about August 23 and September 14, 1948, from Lamar, Colo.

**PRODUCT:** Flour. 226 25-pound bags, 75 50-pound bags, and 477 100-pound bags at Holbrook, Ariz., in the possession of the A. & B. Schuster Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine, rodent excreta, and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 12, 1949. The A. & B. Schuster Co., claimant, having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

**14117. Adulteration of flour. U. S. v. 58 Bags \* \* \*. (F. D. C. No. 25968. Sample No. 195-K.)**

**LIBEL FILED:** October 27, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about August 12, 1948, from Twin City, Minn.

**PRODUCT:** 58 100-pound bags of flour at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 8, 1948. Ballard & Ballard Co., Inc., Louisville, Ky., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be disposed of under the supervision of the Food and Drug Administration. The product was denatured for use as animal feed.



**14118. Adulteration of flour. U. S. v. 800 Bags \* \* \*. (F. D. C. No. 25922. Sample No. 46573-K.)**

**LIBEL FILED:** November 16, 1948, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about May 19, 1948, from Detroit, Mich.

**PRODUCT:** 800 100-pound bags of flour at Pittsburgh, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 30, 1948, and January 5, 1949. Default decree of condemnation. The product was ordered disposed of for use as animal feed.

**14119. Adulteration of flour. U. S. v. 177 Bags \* \* \*. (F. D. C. No. 26034. Sample No. 40231-K.)**

**LIBEL FILED:** November 12, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about June 25, 1948, from Minneapolis, Minn.

**PRODUCT:** 177 100-pound bags of flour at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 8, 1948. The Commander Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing for use as animal feed, under the supervision of the Food and Drug Administration.

**14120. Adulteration of flour. U. S. v. 30 Bags \* \* \*. (F. D. C. No. 26027. Sample No. 1330-K.)**

**LIBEL FILED:** November 13, 1948, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about July 23, 1948, from Decatur, Ala.

**PRODUCT:** 30 50-pound bags of flour at Easley, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 24, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**14121. Adulteration of flour. U. S. v. 24 Bags, etc. (F. D. C. No. 25991. Sample No. 1328-K.)**

**LIBEL FILED:** Between October 28 and December 2, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about May 12, 1948, from Dallas, Tex.

**PRODUCT:** 24 50-pound bags and 57 25-pound bags of flour at Newnan, Ga.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and insects.

**DISPOSITION:** December 2, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution.

**14122. Adulteration of flour. U. S. v. 72 Bags \* \* \*. (F. D. C. No. 25700. Sample No. 19568-K.)**

**LIBEL FILED:** October 13, 1948, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about September 23, 1948, by the Gallaway Milling Co., Bluff City, Tenn.

**PRODUCT:** 72 25-pound bags of flour at St. Paul, Va.

**LABEL, IN PART:** "White Gold Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance (examination showed the presence of insects, insect fragments, and rodent hairs); and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 13, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use other than for human consumption.

**14123. Adulteration of flour. U. S. v. 14 Bags \* \* \*. (F. D. C. No. 26040. Sample No. 40158-K.)**

**LIBEL FILED:** November 16, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about June 23, 1948, from Buffalo, N. Y.

**PRODUCT:** 14 100-pound bags of flour at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 25, 1949. Default decree of condemnation. The product was ordered sold and denatured for use as animal feed.

**14124 Adulteration of flour. U. S. v. 65 Bags \* \* \*. (F. D. C. No. 24998. Sample No. 37824-K.)**

**LIBEL FILED:** July 2, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about March 26, 1947, from Pendleton, Oreg.

**PRODUCT:** 65 100-pound bags of flour at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, and insect excreta. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 16, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as hog feed.



**14125. Adulteration of flour. U. S. v. 61 Bags, etc.** (F. D. C. No. 26232. Sample Nos. 46162-K to 46164-K, incl.)

**LIBEL FILED:** December 29, 1948, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about September 7 and 24 and October 26, 1948, from Oklahoma City, Okla.

**PRODUCT:** 123 bags, each containing 50-pounds, of flour at Hoxie, Ark., in possession of the Plunkett-Jarrell Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 19, 1949. The Plunkett-Jarrell Grocery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. Of the 118 bags seized, 51 bags were segregated as good and the remainder were destroyed.

**14126. Adulteration of flour. U. S. v. 213 Bags, etc.** (F. D. C. No. 25048. Sample Nos. 18076-K, 18077-K.)

**LIBEL FILED:** July 15, 1948, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about February 24, 1948, from the State of Missouri.

**PRODUCT:** 213 10-pound bags and 560 5-pound bags of flour at Indianapolis, Ind.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. The product was adulterated while held for sale after shipment in interstate commerce. It was insect-infested.

**DISPOSITION:** September 24, 1948. Default decree of forfeiture and destruction.

**14127. Adulteration of flour. U. S. v. 53 Bags \* \* \*. (F. D. C. No. 26356. Sample No. 1621-K.)**

**LIBEL FILED:** December 27, 1948, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about November 19, 1948, from St. Joseph, Mo.

**PRODUCT:** 53 bags, each containing 25 pounds, of flour at Asheville, N. C., in possession of the Thomas & Howard Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 19, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**14128. Adulteration of flour. U. S. v. 19 Bags, etc.** (F. D. C. No. 26397. Sample Nos. 1357-K to 1360-K, incl.)

**LIBEL FILED:** January 11, 1949, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about October 1 and November 9, 1948, from Memphis, Tenn.

**PRODUCT:** Flour. 19 50-pound bags, 129 25-pound bags, and 198 10-pound bags at Fitzgerald, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 15, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**14129. Adulteration of flour. U. S. v. 154 Sacks, etc.** (F. D. C. No. 26018. Sample Nos. 31278-K, 31279-K.)

**LIBEL FILED:** November 8, 1948, District of Arizona.

**ALLEGED SHIPMENT:** On or about May 12, August 3, and September 15, 1948, from Los Angeles, Calif., and Ogden, Utah.

**PRODUCT:** Flour. 154 50-pound sacks and 1,076 25-pound sacks at Winslow, Ariz.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 6, 1949. Default decree of condemnation and destruction.

**14130. Adulteration of flour. U. S. v. 448 Sacks \* \* \*. (F. D. C. No. 25962. Sample No. 31271-K.)**

**LIBEL FILED:** October 25, 1948, District of Arizona.

**ALLEGED SHIPMENT:** On or about August 6, 1948, from Lamar, Colo.

**PRODUCT:** 448 25-pound sacks of flour at Globe, Ariz., in the possession of the Solomon Wickersham Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 10, 1949. Default decree of condemnation. The product was ordered delivered to the State prison, for use as stock feed.

**14131. Adulteration of corn flour. U. S. v. 18 Bags \* \* \*. (F. D. C. No. 26580. Sample No. 5901-K.)**

**LIBEL FILED:** February 9, 1949, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about November 13, 1948, from New Ulm, Minn.



**PRODUCT:** 18 100-pound bags of corn flour at Somerville, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 17, 1949. Default decree of destruction.

**14132. Adulteration of Matzoh flour. U. S. v. 700 Bags \* \* \* (F. D. C. No. 26372. Sample No. 10138-K.)**

**LIBEL FILED:** December 30, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about December 2, 1948, by Quaker City Flour Mills, Inc., from Hampstead, Md.

**PRODUCT:** 700 100-pound bags of Matzoh flour at Long Island City, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 10, 1949. Quaker City Flour Mills, Inc., Hampstead, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, by the addition of fish meal, so that it could not be disposed of for human consumption.

**14133. Adulteration of phosphated flour. U. S. v. 52 Bags \* \* \*. (F. D. C. No. 26033. Sample No. 1331-K.)**

**LIBEL FILED:** November 13, 1948, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about August 20, 1948, from Wilson, Kans.

**PRODUCT:** 52 10-pound bags of phosphated flour at Greenville, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 24, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**14134. Adulteration of rye flour. U. S. v. 9 Bags \* \* \*. (F. D. C. No. 26360. Sample No. 1711-K.)**

**LIBEL FILED:** On or about December 30, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about October 21, 1948, from Hastings, Minn.

**PRODUCT:** 9 100-pound bags of rye flour at Atlanta, Ga., in possession of the Manhattan Bakery.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 4, 1949. Default decree of condemnation and destruction. The product was ordered delivered to a Federal institution, for use as animal feed.

**14135. Adulteration of self-rising and plain flour, waffle mix, and pancake mix. U. S. v. 28 Sacks, etc.** (F. D. C. No. 25857. Sample Nos. 1110-K to 1114-K, incl., 1116-K, 1314-K, 1315-K.)

**LIBEL FILED:** October 15, 1948, Middle District of Georgia.

**ALLEGED SHIPMENT:** Between the approximate dates of May 22 and August 11, 1948, from Hopkinsville, Ky., Johnson City, Tenn., and Ellicott City, Md.

**PRODUCT:** 13,735 pounds of self-rising flour, 2,700 pounds of plain flour, 570 pounds of waffle mix, and 90 pounds of pancake mix at Athens, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 18, 1948. Webb-Crawford Co., Inc., Athens, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be denatured for use as stock feed.

**14136. Adulteration of flour and popcorn. U. S. v. 10 Bags \* \* \* (and 2 other seizure actions).** (F. D. C. Nos. 26130 to 26132, incl. Sample Nos. 1616-K, 1709-K, 1710-K.)

**LIBEL FILED:** December 13, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 22 and 29 and October 13 and 22, 1948, from Kansas City, Mo., Chicago, Ill., and Murray, Ky.

**PRODUCT:** 21 100-pound bags of flour and 15 100-pound bags of popcorn at Atlanta, Ga., in possession of the Bonded Service Warehouse.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent excreta; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 4, 1949. Default decrees of condemnation. The products were ordered delivered to a Federal institution, for use as animal feed.

**14137. Adulteration and misbranding of enriched phosphated flour. U. S. v. The Wolf Milling Company of Neosho. Plea of nolo contendere. Fine, \$100.** (F. D. C. No. 24519. Sample No. 26703-K.)

**INFORMATION FILED:** May 29, 1948, Western District of Missouri, against the Wolf Milling Co. of Neosho, a corporation, Neosho, Mo.

**ALLEGED SHIPMENT:** On or about August 21, 1947, from the State of Missouri into the State of Arkansas.

**LABEL, IN PART:** "Southern Lady Enriched Phosphated Flour."



**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), valuable constituents, vitamin B<sub>1</sub>, riboflavin, and niacin, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since it contained less than 2.0 milligrams of thiamine (vitamin B<sub>1</sub>), less than 1.2 milligrams of riboflavin, and less than 16.0 milligrams of niacin in each pound.

**DISPOSITION:** October 29, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

### MACARONI AND NOODLE PRODUCTS

**14138. Adulteration of macaroni and spaghetti. U. S. v. 12 Cases, etc. (F. D. C. No. 26421. Sample Nos. 4101-K to 4103-K, incl.)**

**LIBEL FILED:** January 19, 1949, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about December 15, 1948, by V. La Rosa & Sons, Inc., from Danielson, Conn.

**PRODUCT:** 12 cases, each containing 20 1-pound packages, of macaroni and 25 cases, each containing 20 1-pound packages, of spaghetti at Boston, Mass.

**LABEL, IN PART:** "La Rosa Grade A Macaroni Enriched Elbows," "La Rosa Enriched Thin Spaghetti," or "La Rosa Enriched Spaghetti."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** March 7, 1949. Default decree of condemnation and destruction.

**14139. Adulteration of spaghetti. U. S. v. 294 Cases \* \* \*. (F. D. C. No. 25941. Sample No. 23357-K.)**

**LIBEL FILED:** November 17, 1948, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about July 20, 1948, from Lockport, Ill.

**PRODUCT:** 294 cases, each containing 24 8-ounce packages, of spaghetti at Bessemer, Ala.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 17, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, to be denatured and used for animal feed.

**14140. Adulteration of noodles. U. S. v. 400 Cartons, etc. (F. D. C. No. 25964. Sample Nos. 9232-K, 9233-K.)**

**LIBEL FILED:** October 22, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 14, 1948, by the Kurtz Bros. Corp., from Bridgeport, Pa.

**PRODUCT:** 544 10-pound cartons of noodles at New York, N. Y.

**LABEL, IN PART:** (Carton) "Plain Folded Noodles \* \* \* Three Castle Brand" or "Pure Egg Noodles \* \* \* Lucky Boy Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** November 29, 1948. Default decree of condemnation. The products were ordered delivered to a Federal institution, for use as hog feed.

**14141. Adulteration of Chinese noodles. U. S. v. 6 Cartons \* \* \*. (F. D. C. No. 26101. Sample No. 31294-K.)**

**LIBEL FILED:** November 26, 1948, District of Arizona.

**ALLEGED SHIPMENT:** On or about October 20, 1948, from Los Angeles, Calif.

**PRODUCT:** 6 50-pound cartons of Chinese noodles at Phoenix, Ariz.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 28, 1949. Default decree of condemnation and destruction.

**14142. Adulteration of noodle chicken dinner and noodle giblet dinner. U. S. v. 181 Cases, etc. (F. D. C. No. 25669. Sample Nos. 34253-K, 34254-K.)**

**LIBEL FILED:** September 29, 1948, Northern District of California.

**ALLEGED SHIPMENT:** Between the dates of April 27, 1946, and November 7, 1947, from Omaha, Nebr., Seattle and Tacoma, Wash., and Portland, Oreg.

**PRODUCT:** 181 cases, each containing 24 jars, and 348 cases, each containing 12 jars, of noodle chicken dinner and noodle giblet dinner at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances. They were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 5, 1948. Default decree of condemnation and destruction.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS \*

**14143. Adulteration of farina. U. S. v. 482 Bags \* \* \*. (F. D. C. No. 24995. Sample No. 33401-K.)**

**LIBEL FILED:** July 7, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about February 3, 1948, from Kansas City, Mo.

**PRODUCT:** 482 100-pound bags of farina at Oakland, Calif., in possession of the Albers Milling Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

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\*See also Nos. 14135, 14136.



**DISPOSITION:** August 12, 1948. The Albers Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for separation of the fit from the unfit portion, under the supervision of the Federal Security Agency. The segregation operations resulted in the conversion of all of the product into animal feed.

**14144. Adulteration of brewers flakes. U. S. v. 31 Bags \* \* \*. (F. D. C. No. 26035. Sample No. 44167-K.)**

**LIBEL FILED:** November 12, 1948, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about August 10, 1948, from Milwaukee, Wis.

**PRODUCT:** 31 100-pound bags of brewers flakes at Covington, Ky. (Examination showed that the product consisted of insects and insect fragments.)

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 17, 1948. The Heidelberg Brewing Co., Covington, Ky., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

**14145. Adulteration of hominy grits. U. S. v. 4 Bags \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26121, 26151. Sample Nos. 48130-K, 48133-K.)**

**LIBELS FILED:** December 8 and 21, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 26, 1947, from Norfolk, Va., and on January 13, 1948, from Elizabeth City, N. C.

**PRODUCT:** 21 100-pound bags of hominy grits at Philadelphia, Pa., in the possession of S. Miller & Son.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, and rodent excreta; and, Section 402 (a) (4), it was held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 8, 1948, and January 24, 1949. Default decrees of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**14146. Adulteration of soy grits. U. S. v. 50 Bags, etc. (F. D. C. No. 25865. Sample Nos. 192-K, 193-K.)**

**LIBEL FILED:** October 20, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about July 28 and November 26, 1947, from Galewood, Ill.

**PRODUCT:** 150 100-pound bags of soy grits at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 13, 1949. The Glidden Co., Cleveland, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

**14147. Adulteration of brewers rice. U. S. v. 654 Bags \* \* \*. (F. D. C. No. 25898. Sample No. 25550-K.)**

**LIBEL FILED:** November 2, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about March 15, 1948, from San Francisco, Calif.

**PRODUCT:** 654 100-pound bags of brewers rice at Duluth, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 9, 1948. Fitger Brewing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating the good portion from the bad, under the supervision of the Federal Security Agency. Of the 657 bags seized, 497 bags were denatured for use as animal or poultry feed; the remaining 160 bags were uncontaminated.

**14148. Adulteration of rice grits. U. S. v. 1,000 Bags \* \* \*. (F. D. C. No. 25045. Sample No. 27945-K.)**

**LIBEL FILED:** July 13, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 22, 1947, from Hayes, La.

**PRODUCT:** 1,000 100-pound bags of rice grits at St. Louis, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 4, 1948. The Pabst Brewing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Of the 100,000 pounds seized, 95,500 pounds were released for sale or use.

**14149. Adulteration of rice. U. S. v. 260 Sacks \* \* \*. (F. D. C. No. 25804. Sample No. 99-K.)**

**LIBEL FILED:** October 11, 1948, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about January 3, 1948, from De Witt, Ark.

**PRODUCT:** 260 25-pound sacks of rice at Charleston, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.



**DISPOSITION:** December 31, 1948. Robert Kahn, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be processed by removal of all filth, insects, debris, and any other matter that precludes its use for human food, under the supervision of the Food and Drug Administration.

**14150. Adulteration of rice. U. S. v. 7 Bags \* \* \* (and 1 other seizure action).** (F. D. C. No. 26460. Sample Nos. 48266-K, 48267-K.)

**LIBELS FILED:** February 8, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 21 and October 30, 1948, from Gueydan, La., and Carlisle, Ark.

**PRODUCT:** 16 bags, each containing 100 pounds, of rice at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 15, 1949. Default decrees of condemnation and destruction.

**14151. Adulteration of rice. U. S. v. 15 Bags \* \* \* .** (F. D. C. No. 26037. Sample No. 48127-K.)

**LIBEL FILED:** November 15, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 3, 1948, from Houston, Tex.

**PRODUCT:** 15 100-pound bags of rice at Philadelphia, Pa., in the possession of S. Shrager & Son.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 21, 1949. Default decree of condemnation and destruction.

**14152. Adulteration of popcorn. U. S. v. 390 Bags \* \* \* .** (F. D. C. No. 25897. Sample No. 20729-K.)

**LIBEL FILED:** November 3, 1948, District of Nebraska.

**ALLEGED SHIPMENT:** On or about October 27, 1947, from Hamburg, Iowa.

**PRODUCT:** 390 100-pound bags of popcorn at Omaha, Nebr.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 31, 1949. Default decree of condemnation and destruction.

**14153. Adulteration of popcorn. U. S. v. 19 Bags \* \* \*. (F. D. C. No. 26197. Sample No. 6558-K.)**

**LIBEL FILED:** December 1, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about January 10, 1946, from Valley, Nebr.

**PRODUCT:** 19 100-pound bags of popcorn at Rochester, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 30, 1948. Default decree of condemnation and destruction.

**14154. Adulteration of doughnut mix. U. S. v. 16 Bags \* \* \*. (F. D. C. No. 26181. Sample No. 44196-K.)**

**LIBEL FILED:** November 24, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about July 15, 1948, from Springfield, Ill.

**PRODUCT:** 16 100-pound bags of doughnut mix at Cincinnati, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the produce consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 11, 1949. Default decree of forfeiture and destruction.

**14155. Adulteration of doughnut mix. U. S. v. 15 Bags \* \* \*. (F. D. C. No. 26179. Sample No. 6554-K.)**

**LIBEL FILED:** November 24, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about May 22, June 25, and October 2, 1948, from Evansville, Ind.

**PRODUCT:** 15 100-pound bags of doughnut mix at Rochester, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 30, 1948. Default decree of condemnation and destruction.

**14156. Adulteration of muffin and biscuit mix. U. S. v. 10 Cases, etc. (F. D. C. No. 26038. Sample Nos. 5333-K, 5334-K.)**

**LIBEL FILED:** On or about November 30, 1948, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about August 29 and December 22 and 23, 1946, from Myerstown, Pa., or Elizabeth, N. J.

**PRODUCT:** 10 cases of muffin mix and 43 cases of biscuit mix at Providence, R. I. Each case contained 24 10-ounce packages.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects.



The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 22, 1948. Default decree of condemnation and destruction.

14157. Adulteration of sausage binder. U. S. v. 2 Barrels \* \* \*. (F. D. C. No. 25882. Sample No. 44177-K.)

LIBEL FILED: October 28, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 5, 1948, from Chicago, Ill.

PRODUCT: 2 barrels, each containing 300 pounds, of sausage binder at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 5, 1949. Default decree of condemnation and destruction.

## CHOCOLATE AND RELATED PRODUCTS

### CONFECTIONERY AND CHOCOLATE PRODUCTS

14158. Misbranding of candy. U. S. v. Associated Foods, Inc., Morris Wizelman, and Joseph Spielvogel. Pleas of nolo contendere. Corporation fined \$175; Morris Wizelman, \$50; and Joseph Spielvogel, \$25. (F. D. C. No. 24566. Sample Nos. 82638-H, 36424-K, 36425-K.)

INFORMATION FILED: June 3, 1948, Eastern District of Pennsylvania, against Associated Foods, Inc., Philadelphia, Pa., and Morris Wizelman, president, and Joseph Spielvogel, secretary-treasurer.

ALLEGED SHIPMENT: On or about December 16, 1946, and September 19, 1947, from the State of Pennsylvania into the States of Oregon and Washington.

LABEL, IN PART: "Majesty Creamy Mints."

NATURE OF CHARGE: Misbranding, Section 403 (d), the containers of the product were so made, formed, and filled as to be misleading since the boxes in one of the shipments had false bottoms which occupied approximately 35 percent of the space in the boxes and the candy in the other 2 shipments occupied not more than 56 percent and 64 percent, respectively, of the space in the boxes.

DISPOSITION: February 16, 1949. Pleas of nolo contendere having been entered, the corporation was fined \$75; Morris Wizelman, \$50; and Joseph Spielvogel, \$35.

14159. Adulteration and misbranding of candy. U. S. v. 55 Cases \* \* \*. (F. D. C. No. 26189. Sample Nos. 23904-K, 23905-K.)

LIBEL FILED: November 29, 1948, Northern District of Alabama.

ALLEGED SHIPMENT: On or about October 29 and November 2, 1948, by the Capitol Candy Co., from Jackson, Miss.

PRODUCT: 55 cases, each containing 24 packages, of candy at York, Ala.

**LABEL, IN PART:** "Capitol Candies [or "Capitol Stick"] Net Wt. 1¼ Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quality of the contents since the packages contained less than declared.

**DISPOSITION:** December 30, 1948. Default decree of condemnation and destruction.

**14160. Adulteration of candy. U. S. v. 15 Cases \* \* \*. (F. D. C. No. 25891. Sample No. 23885-K.)**

**LIBEL FILED:** November 1, 1948, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about July 8, 1948, by the Hot Springs Candy Co., from Hot Springs, Ark.

**PRODUCT:** 15 cases, each containing 16 boxes, of candy at Birmingham, Ala.

**LABEL, IN PART:** "120 Ct. Penny Marshmallow Banana."

**NATURE OF CHARGE:** Adulteration, Section 402 (d), the article was confectionery and it contained nonnutritive substances, wood splinters and brush bristles.

**DISPOSITION:** December 3, 1948. Default decree of condemnation and destruction.

**14161. Adulteration of candy. U. S. v. 24 Cartons \* \* \*. (F. D. C. No. 25849. Sample No. 2745-K.)**

**LIBEL FILED:** October 13, 1948, District of Columbia.

**ALLEGED SHIPMENT:** On or about May 28 and June 28, 1948, from McKeesport, Pa.

**PRODUCT:** Candy. 24 cartons, each containing 12 4½-ounce bars, at Washington, D. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 28, 1948. Default decree of condemnation. The product was ordered used for animal feed.

**14162. Adulteration of peanut brittle. U. S. v. 6 Cartons \* \* \*. (F. D. C. No. 25874. Sample No. 32562-K.)**

**LIBEL FILED:** November 4, 1948, District of Oregon.

**ALLEGED SHIPMENT:** On or about October 8, 1948, by the Chiodo Candy Co., from Oakland, Calif.

**PRODUCT:** 6 25-pound cartons of peanut brittle at Salem, Oreg.

**LABEL, IN PART:** "Chiodo Peanut Brittle."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and larvae parts.

**DISPOSITION:** January 11, 1949. Default decree of condemnation and destruction.



**14163. Adulteration of Chocolate Flavored Assortment, Sweetlow Wafers, chocolate flavored pudding, gelatin desserts, Diet Delights, and French Style Bon Bons. U. S. v. American Diet aids Co., Inc. Plea of guilty. Fine, \$5,250. (F. D. C. No. 23221. Sample Nos. 4917-H, 8475-H, 8477-H, 8478-H, 42813-H, 42816-H, 43763-H.)**

**INFORMATION FILED:** April 2, 1948, Southern District of New York, against American Diet aids Co., Inc., Yonkers, N. Y.

**ALLEGED SHIPMENT:** On or about February 4 and March 4, 11, and 22, 1946, from the State of New York into the States of Pennsylvania, Connecticut, Maryland, and California.

**LABEL, IN PART:** "Dietetic-Low Calorie Chocolate Flavored Assortment For Restricted Diets," "Dietician Brand For Restricted Low Calorie Diets Sweetlow Wafers," "Dietician Brand Dietetic-Low Calorie Chocolate Flavored Pudding," "Dietician Brand Low-Calorie Glow Gelatin Desserts For Restricted Diets," "Dietician Brand Dietetic-Low Calories Diet Delights Fancy Featherweight Cookies For Restricted Diets," or "Dietician Brand French Style Bon Bons."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of rodent hair fragments, rodent hairs, insect fragments, wood splinters, soot and metal fragments, plant fibers, carbon fragments, red and green paint fragments, and human hair fragments; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** June 10, 1948. A plea of guilty having been entered, the corporation was fined \$5,250.

**14164. Adulteration of candy. U. S. v. 109 Bags \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 26486, 26500, 26598, 26849. Sample Nos. 2773-K, 42703-K, 44230-K, 47006-K.)**

**LIBELS FILED:** January 28, February 7 and 14, and March 10, 1949, Southern and Northern Districts of Ohio, Eastern District of Michigan, and District of Columbia.

**ALLEGED SHIPMENT:** On or about December 15, 20, and 28, 1948, and January 3 and 13, 1949, by the Whole-Sum Products Co., from Philadelphia, Pa.

**PRODUCT:** Candy. 109 1-pound bags at Cincinnati, Ohio, 14 cases at Youngstown, Ohio, 94 cases at Detroit, Mich., and 27 cases at Washington, D. C. Each case contained 12 1-pound bags.

**LABEL, IN PART:** "Stephen Perry Brand Jell-Eo-Mints [or "Jell-Eo-Puffs"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects, insect parts, rodent hair fragments, rodent excreta, and dirt; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** April 4, 7, and 22, and March 1, 1949. Default decrees of condemnation. A portion of the products were ordered destroyed, and the remainder were ordered delivered to a public institution, for use as animal feed.

**14165. Misbranding of popcorn confection. U. S. v. 99 Boxes \* \* \*. (F. D. C. No. 26378. Sample No. 5665-K.)**

**LIBEL FILED:** On or about January 5, 1949, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about December 20, 1948, by the Connecticut Pop Corn Manufacturing Co., from Springfield, Mass.

**PRODUCT:** 99 boxes, each containing 12 packages, of popcorn confection at Providence, R. I.

**LABEL, IN PART:** (Package) "Assorted Pop Corn Dodgers Pop Corn Confection \* \* \* Net Weight not less than 4 ounces."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight not less than 4 ounces" was inaccurate. (The packages contained less than 4 ounces.)

**DISPOSITION:** January 31, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**14166. Misbranding of butter-flavored popcorn. U. S. v. 22 Cartons \* \* \*. (F. D. C. No. 25788. Sample No. 4397-K.)**

**LIBEL FILED:** September 30, 1948, District of Maine.

**ALLEGED SHIPMENT:** On or about August 9, 1948, by Confectioners, Inc., Boston Mass.

**PRODUCT:** 22 cartons, each containing 25 bags, of popcorn at Lewiston, Maine

**LABEL, IN PART:** (Bag) "Sunny's Butter Flavored Pop Corn Net Wt. 2 Oz  
Ingredients: \* \* \* Butter Oil."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements "Butter Flavored" and "Butter Oil" were false and misleading as applied to the product, which contained little, if any, butter; and, Section 403 (e) (2), the product was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (The bags contained less than 2 ounces, the declared weight.)

**DISPOSITION:** November 1, 1948. Default decree of condemnation. The product was ordered delivered to a public institution.

**14167. Adulteration of chocolate coating. U. S. v. 12 Cartons, etc. (F. D. C. Nos. 25724, 25725. Sample Nos. 19968-K, 19969-K.)**

**LIBEL FILED:** October 19, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about January 14, February 5, March 9, and July 8, 1948 from the States of New York and Pennsylvania into the State of Ohio.

**PRODUCT:** 27 50-pound cartons of chocolate coating at Marietta, Ohio, in possession of Broughton's Farm Dairy, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs and rodent-gnawed chocolate; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.



**DISPOSITION:** November 22, 1948. Broughton's Farm Dairy, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and salvaged, under the supervision of the Federal Security Agency. The contaminated portions were trimmed from the slabs and burned.

**14168. Adulteration of hot chocolate powder. U. S. v. 23 Cases \* \* \*.**  
(F. D. C. No. 26202. Sample No. 42001-K.)

**LIBEL FILED:** December 16, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 18, 1948, by the Wright & Wagner Dairy Co., from Beloit, Wis.

**PRODUCT:** 23 cases, each containing 24 ½-pound cans, of hot chocolate powder at Chicago, Ill.

**LABEL, IN PART:** "Chox For Making Hot Chocolate."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs, and the fact that it was made in part from filthy chocolate.

**DISPOSITION:** February 15, 1949. Default decree of condemnation and destruction.

## DAIRY PRODUCTS \*

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 14169 to 14180; that was below the legal standard for milk fat content, Nos. 14179 to 14187; that was short of the declared weight, No. 14188; and that was alleged to be of lower quality than labeled, Nos. 14189 and 14190.

**14169. Adulteration of butter. U. S. v. 1,209 Cartons \* \* \* (and 2 other seizure actions; 59,680 pounds, total). Tried to the jury. Verdict for Government. Decree providing for condemnation and release of product under bond. Decree affirmed on appeal. (F. D. C. Nos. 17105, 17115, 17377. Sample Nos. 3649-H, 3650-H, 3652-H.)**

**LIBELS FILED:** On or about July 31 and August 2 and 6, 1945, District of Maryland and the District of Columbia; libels amended on November 20 and 29, 1945.

**ALLEGED SHIPMENT:** On or about July 14, 21, and 28, 1945, by the Bowser Sales & Trading Corp., from Sistersville, W. Va.

**PRODUCT:** 1,865 cartons, each containing 32 1-pound prints, of butter at Baltimore and Bainbridge, Md., and Washington, D. C.

**LABEL, IN PART:** "Land O' Hills Brand Creamery Butter Manufactured By Land O' Hills Creamery Buckhannon, W. Va."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts, feather barbules, mites, rodent hair fragments, fly eggs, and an ant, and of a decomposed substance, namely, a product of decomposed cream.

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\*See also No. 14262.

DISPOSITION: The cases were transferred to the Southern District of West Virginia and consolidated for trial in that district. The Bowser Sales & Trading Corp., claimant, filed an answer denying that the product was adulterated, and on January 28, 1946, the case came on for trial before a jury. On February 5, 1946, the jury returned a verdict in favor of the Government. Thereafter, the court held that the claimant on giving bond would be permitted to reprocess the product into butter oil if it could be shown that the oil would conform to the requirements of the Act. Upon motion by the Government, this decision was reconsidered and on August 27, 1946, after consideration of the briefs and arguments of counsel, the following opinion was handed down:

BEN MOORE, *District Judge*: "On July 20, 1946, a hearing was had at Beckley upon the application of the claimant, Bowser Sales & Trading Corporation, for permission of the Court to allow it to re-process the butter seized by the United States, and thereby convert it into butter oil, on condition that the resulting product be found not to contain any filthy or decomposed substance.

"It had previously been determined by verdict of a jury that all the butter, as it now is, contains both kinds of substances.

"The evidence which was before the jury on the question of decomposed substances related mainly to mold mycelia count, which, as to each churn of butter, was found to be in excess of that permitted in practice by the Food and Drug Administration.

"The evidence on the question of filth was of two kinds: first, that much of the cream which found its way into the vats of the company for the manufacture of butter contained, before filtering, some flies, maggots, mites, fly eggs, and in rare cases, rodents; and secondly, that the manufactured butter had in it numerous hard insect parts, feathers, barbules, mites, rodent hairs, maggots, and fly eggs, for the most part invisible to the naked eye, and discernible only with the use of a microscope.

"The case was submitted to the jury under appropriate instructions whereby they were told, among other things, in effect, that they must believe the filthy substances to be present in substantial measure in order to make a finding that the butter was filthy; that, since absolute purity is virtually impossible of attainment in a food product, the presence in the butter of infinitesimal filthy substances should not brand the butter as filthy.

"The evidence revealed that the cream used in making the butter, after leaving the warming vat, was forced by pumps through a series of filters, and that on each of the filter cloths, after use, examination showed comparatively large numbers of flies, maggots, etc., which had been strained out of the cream. The number naturally decreased with each successive filter cloth, but even in the final one, some such filth was found.

"At the Beckley hearing I announced that the claimant would be permitted, on giving bond, to take possession of the butter, re-process a reasonable amount of it into butter oil under proper Government supervision, and show to my satisfaction, if it could do so, that the resulting product conformed to the requirements of the Food, Drug and Cosmetic Act. If so, the claimant would be permitted to manufacture and sell as butter oil all the seized butter.

"Government counsel asked for and were granted an opportunity to submit further argument, which was done at Charleston on August 21, 1946. After hearing argument of both the Government and the claimant, and after considering the briefs submitted, I have concluded that the permission given at



Beckley was improvident, and that the reprocessing of the butter by the claimant would serve no useful purpose.

"This conclusion is based on the fact that no process has been suggested by the claimant which would give any assurance of removal from the butter or butter oil of soluble insect fats. Claimant does not contend that it has such a process available, or that any such exists. The Government asserts that no such process is known to science. I am of opinion that whatever quantity of insect fat now permeates the butter will still be present in the butter oil after processing. There is no known method by which its presence can be detected at any time. It has become merged with the butter fat, and cannot be separated from it.

"I feel that I am bound by the verdict of the jury to conclude that insect fat is present in the butter in substantial measure. Whole insects, maggots and fly eggs were in the cream. It was subjected to heating, agitation, and filtration under pressure. It is hardly reasonable to suppose that soft bodies, made softer by the application of heat, would not be crushed by the mechanical processes of filtration. Since the butter fat passed through the filters, it is an inescapable conclusion that insect fat also passed through.

"When the jury found that the butter contained substantial filth, they doubtless considered the insect fat as such, no less than the hard fragments. Of the two classes, the former is a more repulsive kind of filth than the latter.

"In passing on questions of this kind, the Court should not weigh the public interest against that of the claimant. The fact that the claimant has lost a large sum of money by reason of the seizure of its butter is regrettable, but it must not be given weight by the Court. The public welfare is paramount. To send forth for public consumption an article which contains substantial filth in a form which cannot be detected through objective tests, would be an act which could not be justified by the saving of money to the claimant; and a decision now will have the effect of preventing further expense on the part of the claimant, since I am convinced that it must be the same, even though the claimant were permitted to go through with its plan of re-processing the butter. That which would be done then may as well be done now.

"For these reasons, the decision announced at Beckley is reconsidered and the claimant is denied the right to use the butter for any product intended for human consumption. If there is any other useful means of disposing of the butter, it may be employed; otherwise the butter will be destroyed."

In accordance with the foregoing opinion, a decree was entered on January 15, 1947, condemning the product and ordering that it be released under bond for conversion into soap stock, under the supervision of the Federal Security Agency. An appeal from this decree was taken by the claimant to the United States Court of Appeals for the Fourth Circuit, and on December 24, 1947, the following opinion was handed down by that court, affirming the judgment of the district court:

DOBIE, *Circuit Judge*: "This appeal is the result of three libel proceedings instituted by the United States (hereinafter called the Government) under the provisions of the Federal Food, Drug, and Cosmetic Act, 21 U. S. C. A. 334 (9), (hereinafter called the Act) in which the Government sought the seizure and condemnation of three lots of butter owned by the Bowser Sales & Trading Corporation of Sistersville, West Virginia (hereinafter called the claimant) and shipped in interstate commerce. The proceedings were consolidated and tried before a jury in the District Court of the United States for the Southern



District of West Virginia. The jury returned a verdict in favor of the Government on virtually all issues, and the District Court, finding the butter to be adulterated within the meaning, and in violation of, the Act, 21 U. S. C. A. 402 (a) (3), ordered it condemned and forfeited to the United States. The claimant thereupon moved the court 'to deliver the condemned article to it, pursuant to Section 334 (d), Title 21, United States Code, for the purpose of salvaging or manufacturing same into butter oil so the same will be made to conform to and with the provisions of the Federal Food, Drug, and Cosmetic Act.' After hearings were had and evidence taken upon this motion, the lower court overruled it, and this appeal is taken from that denial of the motion.

"At the outset, the Government in its brief contends that the order from which the claimant appeals is not a final decision within the meaning of 28 U. S. C. A. § 225 and hence is not reviewable by this Court. This point was not strongly urged upon us in oral argument. We think that the judgment of the District Court is final and appealable. Its decree directed the condemnation and forfeiture of the butter, denied the claimant's request to reprocess the butter in order to make it fit for human consumption, but granted the claimant's motion that the product be released to it for manufacture into soap stock. Certainly this order terminates the litigation between the parties on the merits of the case and fully determines the rights and liabilities of the claimant and the Government with respect to the property in controversy. Nothing remains to be done except to perform certain ministerial tasks prescribed by the court order.

"It is to be emphasized that this appeal is not from the decree of condemnation but only from that part of the judgment which denied the claimant permission to salvage the butter by converting it into butter oil fit for human consumption. The pertinent part of the Seizure Section of the Act, 21 U. S. C. A. 334 (d), provides :

Any food \* \* \* condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct \* \* \* Provides, That after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this Chapter or the laws of any State or Territory in which sold, the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this Chapter under the supervision of an officer or employee duly designated by the Administrator, and the expenses of such supervision shall be paid by the person obtaining release of the article under bond.

It, therefore, is clearly within the sound discretion of the trial court whether the reprocessing of a condemned article is to be allowed. *United States v. 1,322 Cans of Black Raspberry Puree*, 68 F. Supp. 881; *United States v. 143 Packages of Nue-Ovo*, 51 F. Supp. 1; *United States v. Two Cans of Oil*, 268 Fed. 866. And, of course, this decision of the trial judge can be reversed by us on appeal only for a manifest abuse of discretion by the trial judge.

"From the evidence submitted at the condemnation trial the jury found that the butter in question consisted in part of decomposed substance and in part of filthy substance in substantial enough quantity to be adulterated within the terms of the Act, 21 U. S. C. A. 342 (a) (3). As was stated by the District Court in its opinion :

The evidence which was before the jury on the question of decomposed substances related mainly to mold mycelia count, which, as to each churn of



butter, was found to be in excess of that permitted in practice by the Food and Drug Administration.

The evidence on the question of filth was of two kinds: first, that much of the cream which found its way into the vats of the company for the manufacture of butter contained, before filtering, some flies, maggots, mites, fly eggs, and in rare cases, rodents; and secondly, that the manufactured butter had in it numerous hard insect parts, feathers, barbules, mites, rodent hairs, maggots and fly eggs, for the most part invisible to the naked eye, and discernible only with the use of a microscope.

“At the hearings on the motion for reprocessing the butter the Government, through the evidence of qualified experts of the Food and Drug Administration, showed that insects, mites and fly eggs contain fatty and oily substances as inherent constituents of their anatomy; and that when butter or cream becomes contaminated with any such insect material the fatty portions, being soft and liquid at ordinary temperatures, dissolve into the fat of the cream or butter and completely merge therewith. The trial judge, therefore, refused to allow the salvage of the butter because no process was shown, or in fact even known, which would remove soluble insect fats from the butter oil. The testimony was to the effect that the process proposed by the claimant for renovating the butter would remove only the insoluble insect parts and that the portion of the contamination which had become soluble could not be separated. There actually is no scientific method by which the insect fat or oil could even be detected in the finished product since it had become amalgamated with the butter fat.

“As a result, the claimant advances the contention that inasmuch as the presence of insect fats cannot be detected, no showing has been made that such soluble filth is present in the condemned butter, and, consequently, all that is necessary in order to salvage the butter is to remove the insoluble extraneous matter, which claimant alleges is the only filth that has been actually proved to be in the product. We think that this argument is well answered by the District Judge:

Whole insects, maggots and fly eggs were in the cream. It was subjected to heating, agitation, and filtration under pressure. It is hardly reasonable to suppose that soft bodies, made softer by the application of heat, would not be crushed by the mechanical processes of filtration. Since the butter fat passed through the filters, it is an inescapable conclusion that insect fat also passed through.

“The claimant next contends that even though insect fat should be present in the butter after reprocessing, it would be in such an infinitesimal quantity that it could not contaminate the butter oil. It is true that the courts have recognized that adulteration of foodstuffs may be so slight as to come under the maxim *de minimis non curat lex*. See *A. O. Anderson & Co. v. United States*, 284 Fed. 542; *United States v. 184 Barrels Dried Whole Eggs*, 53 F. Supp. 652; *United States v. 133 Cases of Tomato Paste*, 22 F. Supp. 515; and administrative tolerances for decomposition have been adopted by the Food and Drug Administration. No tolerance for filth in butter, however, has even been established under the Act. Claimant is unable to cite any case wherein food found to be filthy within the meaning of the Act has not been condemned.

“The jury was properly instructed that in order to make a finding that the butter consisted in part of filthy substance it must be satisfied that the filth was present in a substantial degree. It was also instructed that if it found the hard parts of an insect's body in the butter, the normal inference would be that the soft parts of the insect were also in the butter. The jury made a

finding of filth in the butter, and since the soluble insect parts could not be removed by the reprocessing method, we are unable to say that this insect fat should be treated as coming within the de minimis rule.

"It was for the District Judge to say whether the claimant should be allowed to reprocess the butter and then offer it to the public as fit for human consumption. We cannot substitute our judgment for his in the determination of this question. Our review is limited to the inquiry as to whether his action in overruling the claimant's motion was a clear abuse of judicial discretion, that is, arbitrary action unwarranted by the facts of the case. *Home Owners' Loan Corp. v. Huffman*, 134 F. (2d) 314; *In re A. Roth Co.*, 125 F. (2d) 396. The record on this appeal does not disclose any such abuse of discretion on the part of the trial judge.

"The judgment of the District Court is accordingly affirmed."

**14170. Adulteration of butter. U. S. v. 112 Cartons (7,280 pounds) \* \* \*.**  
(F. D. C. No. 26176. Sample No. 8995-K.)

**LIBEL FILED:** November 8, 1948, Northern District of New York.

**ALLEGED SHIPMENT:** On or about October 15, 1948, by Worthington Creamery & Produce, from Worthington, Minn.

**PRODUCT:** 112 cartons, each containing approximately 65 pounds, of butter at Troy, N. Y.

**LABEL, IN PART:** "First National Stores Somerville, Mass."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance. (Examination showed that the product contained insect heads, insect fragments, rodent hair fragments, and manure fragments, and that it had been made from filthy cream.)

Further adulteration, Section 402 (a) (4), the product was prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 9, 1949. First National Stores, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be used for the manufacture of soap, under the supervision of the Federal Security Agency.

**14171. Adulteration of butter. U. S. v. 76 Cartons (4,864 pounds) \* \* \*.**  
(F. D. C. No. 26174. Sample No. 8990-K.)

**LIBEL FILED:** November 10, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 19, 1948, by the Stuart Creamery Co., from Stuart, Iowa.

**PRODUCT:** 76 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.

**LABEL, IN PART:** "Butter Distributed by Zenith Godley Co. N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy, putrid, or decomposed substance. The product contained filth in the form of an insect, insect fragments, mites, rodent hair fragments, and manure, and had been prepared from filthy cream.



**DISPOSITION:** December 3, 1948. Zenith Godley Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for conversion into fat for soap manufacturing, under the supervision of the Food and Drug Administration.

**14172. Adulteration of butter. U. S. v. 15 Cartons (960 pounds) \* \* \*.**  
(F. D. C. No. 26173. Sample No. 8989-K.)

**LIBEL FILED:** November 3, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 14, 1948, by the Wyndmere Creamery, Wyndmere, N. Dak.

**PRODUCT:** 15 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.

**LABEL, IN PART:** "Butter Distributed by J. R. Kramer, Inc., 2250 New York \* \* \*."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance. Analysis of a sample showed the presence of an insect, insect fragments, and manure fragments.

**DISPOSITION:** December 1, 1948. The Wyndmere Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into fat for soap manufacturing purposes, under the supervision of the Federal Security Agency.

**14173. Adulteration of butter. U. S. v. 11 Cartons (715 pounds) \* \* \*.**  
(F. D. C. No. 25833. Sample No. 8951-K.)

**LIBEL FILED:** August 27, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 13, 1948, by the Luverne Cooperative Creamery Assoc., Luverne, Minn.

**PRODUCT:** 11 65-pound cartons of butter at New York, N. Y.

**LABEL, IN PART:** "Butter S. & W. Waldbaum, Inc., Distributors New York."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance. (Examination showed that the product contained insects and was made from filthy milk.)

**DISPOSITION:** September 14, 1948. Default decree of condemnation and destruction.

**14174. Adulteration of butter. U. S. v. 11 Cartons, etc. (444 pounds) \* \* \*.**  
(F. D. C. No. 26167. Sample No. 10950-K.)

**LIBEL FILED:** On or about November 10, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about October 22, 1948, by the Cudahy Packing Co., from Alma, Nebr.

**PRODUCT:** Butter. 11 cartons, each containing 32 1-pound prints, and 92 1-pound prints at Hartford, Conn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance since it contained insects, maggots, insect eggs, insect parts, rodent hair, and manure.

**DISPOSITION:** January 6, 1949. Default decree of condemnation. The product was ordered sold for conversion into fat for soap manufacturing.

**14175. Adulteration of butter. U. S. v. 80 Cases, etc. (6,624 pounds, total).** (F. D. C. No. 26061. Sample Nos. 1053-K to 1055-K, incl.)

**LIBEL FILED:** On or about September 30, 1948, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about July 30 and August 6 and 20, 1948, by Swift & Co., from Nashville, Tenn.

**PRODUCT:** 207 cases, each containing 32 pounds, of butter at Miami, Fla.

**LABEL, IN PART:** "Glenwood [or "Southern Belle"] Creamery Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments, and by reason of the fact that it had been made from filthy cream.

**DISPOSITION:** November 18, 1948. Default decree of forfeiture. The product was ordered sold, conditioned that it be denatured for use other than for human food.

**14176. Adulteration of butter. U. S. v. 59 Cubes (3,835 pounds).** (F. D. C. No. 26055. Sample No. 41545-K.)

**LIBEL FILED:** September 22, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 31, 1948, by the Crouch Creamery, from Bloomer, Ark.

**PRODUCT:** 59 65-pound cubes of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance since it was made from decomposed cream, as evidenced by the high mold mycelia count.

**DISPOSITION:** November 9, 1948. The Peter Fox Sons Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by converting the unfit portion of the article into butter oil, under the supervision of the Federal Security Agency. The entire lot of seized goods was converted into butter oil.

**14177. Adulteration of butter. U. S. v. 22 Boxes \* \* \* (and 3 other seizure actions; 1,408 pounds, total).** (F. D. C. Nos. 25838 to 25840, incl., 25842. Sample Nos. 19493-K, 44158-K, 44421-K, 44426-K, 44427-K.)

**LIBELS FILED:** August 16 and 28 and September 1 and 2, 1948, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about August 3, 5, 24, and 26, 1948, by the Merchants Creamery Co., from Cincinnati, Ohio.

**PRODUCT:** Butter. 34 32-pound boxes at Covington, Ky., and 16 20-pound boxes at Lexington, Ky.



**LABEL, IN PART:** "Butter Distributed by The Hanneken Dairy Co. Covington, Ky.," "Louis Trauth Dairy Butter Distributor \* \* \* Newport, Ky.," "Latonia Springs Dairy Butter Distributed by Summe & Ratermann Co., Inc. Covington, Kentucky," "Dairy Brand Creamery Butter \* \* \* Manufactured by Merchants Creamery Co.," "Individuals Manufactured by Merchants Creamery Co. \* \* \* Creamery Butter," or "Individuals Manufactured by Merchants Creamery Co. \* \* \* Rose Brand \* \* \* Creamery Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect filth, rodent hair fragments, and insect fragments; and, Section 402 (a) (4), a portion of the product had been prepared, packed, and held under insanitary conditions whereby it had become contaminated with filth.

**DISPOSITION:** September 9, 17, 24, and 28, 1948. Default decrees of condemnation. The product was ordered sold for technical use, for purpose of fat salvage.

**14178. Adulteration of butter. U. S. v. 28 Boxes (1,792 pounds) \* \* \*.**  
(F. D. C. No. 26050. Sample No. 15177-K.)

**LIBEL FILED:** September 30, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 11, 1948, by the Randolph Creamery, from Guthrie Center, Iowa.

**PRODUCT:** 28 boxes, each containing 64 pounds, of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402(a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hair, and manure fragments; and, Section 402(a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 12, 1948. Default decree of condemnation. It was ordered that the United States marshal destroy the product or cause it to be converted into a product for use other than for human consumption.

**14179. Adulteration and misbranding of butter. U. S. v. 173 Cartons (11,245 pounds) \* \* \*.** (F. D. C. No. 25369. Sample No. 8910-K.)

**LIBEL FILED:** July 25, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 1, 1948, by the Exira Creamery Co., from Exira, Iowa.

**PRODUCT:** 173 65-pound cartons of butter at New York, N. Y. Analysis disclosed that the product contained insects, insect parts, and manure, and that it was in part deficient in milk fat.

**LABEL, IN PART:** "Butter Distributed J. R. Kramer New York, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance; and, Section 402(b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403(a), the label statement "Butter" was false and misleading.

**DISPOSITION:** August 11, 1948. The Exira Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into fat for soap manufacturing purposes, under the supervision of the Federal Security Agency.

**14180. Adulteration and misbranding of butter. U. S. v. 148 Cartons (9,324 pounds) \* \* \*. (F. D. C. No. 25834. Sample No. 8948-K.)**

**LIBEL FILED:** August 19, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 29, 1948, by the Farmers Creamery Co., from Le Mars, Iowa.

**PRODUCT:** 148 63-pound cartons of butter at New York, N. Y. Analysis showed that the product contained insects, insect fragments, moth scales, fly eggs, feather barbules, rodent hair fragments, manure fragments, sand, metal, rust, plant matter, and dirt, and that it was deficient in milk fat.

**LABEL, IN PART:** "Butter Distributed By J. R. Kramer, Inc. New York, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance; Section 402(a) (4), it had been packed or held under insanitary conditions whereby it may have become contaminated with filth; and, Section 402(b) (2), a product containing less than 80 percent of milk fat by weight had been substituted for butter.

Misbranding, Section 403(a), the label statement "Butter" was false and misleading since the article contained less than 80 percent of milk fat.

**DISPOSITION:** October 7, 1948. The Farmers Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into fat for soap manufacturing purposes, under the supervision of the Federal Security Agency.

**14181. Adulteration of butter. U. S. v. Randalia Mutual Creamery Assoc. Plea of guilty. Fine of \$120 and costs. (F. D. C. No. 26290. Sample No. 25430-K.)**

**INFORMATION FILED:** December 15, 1948, Northern District of Iowa, against the Randalia Mutual Creamery Assoc., a corporation, Randalia, Iowa.

**ALLEGED SHIPMENT:** On or about September 22, 1948, from the State of Iowa into the State of New Jersey.

**LABEL, IN PART:** "The Great A. & P. Tea Co. New York Distributors Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** December 15, 1948. A plea of guilty having been entered, the defendant was fined \$120 and costs.

**14182. Adulteration of butter. U. S. v. 24 Cartons (1,440 pounds) \* \* \*. (F. D. C. No. 26066. Sample No. 25430-K.)**

**LIBEL FILED:** On or about October 6, 1948, District of New Jersey.



**ALLEGED SHIPMENT:** On or about September 22, 1948, by the Randalia Mutual Creamery Assoc., from Randalia, Iowa.

**PRODUCT:** 24 cartons, each containing 60 pounds, of butter at Jersey City, N. J.

**LABEL, IN PART:** "The Great A. & P. Tea Co. New York Distributors Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** November 15, 1948. The Randalia Mutual Creamery Assoc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.

**14183. Adulteration of butter. U. S. v. 17 Cartons (816 pounds) \* \* \*.**  
(F. D. C. No. 26684. Sample No. 45459-K.)

**LIBEL FILED:** January 4, 1949, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about December 29, 1948, by the Medford Cooperative Creamery Assoc., from Medford, Minn.

**PRODUCT:** 17 cartons, each containing 66 pounds, of butter at Sioux City, Iowa.

**LABEL, IN PART:** "48 Creamery Butter Distributed by Fairmont Foods Company."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted for the product; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** January 31, 1949. The Medford Cooperative Creamery Assoc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Food and Drug Administration.

**14184. Adulteration of butter. U. S. v. 4 Cartons (260 pounds) \* \* \*.**  
(F. D. C. No. 26465. Sample No. 25993-K.)

**LIBEL FILED:** December 4, 1948, Northern District of New York.

**ALLEGED SHIPMENT:** On or about November 18, 1948, by the Hillman Cooperative Creamery Assoc., from Hillman, Minn.

**PRODUCT:** 4 cartons, each containing 65 pounds, of butter at Troy, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** February 15, 1949. First National Stores, Inc., Troy, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.

**14185. Adulteration of butter. U. S. v. 4 Cartons (256 pounds) \* \* \*.**  
(F. D. C. No. 26177. Sample No. 25437-K.)

**LIBEL FILED:** October 28, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 20, 1948, by the Sanitary Dairy, from Larimore, N. Dak.

**PRODUCT:** 4 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.

**LABEL, IN PART:** "Butter Distributed by J. R. Kramer New York, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** December 1, 1948. J. R. Kramer, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond for reworking, under the supervision of the Food and Drug Administration.

**14186. Adulteration of butter. U. S. v. 4 Boxes \* \* \*. (F. D. C. No. 26169. Sample No. 25987-K.)**

**LIBEL FILED:** October 26, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 13, 1948, by the Fordville Creamery Co., from Fordville, N. Dak.

**PRODUCT:** 4 boxes of butter at Chicago, Ill.

**LABEL, IN PART:** "Butter Keep Cool H. C. Christians Co., 4118 Chicago, Ill. 2."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** November 16, 1948. The H. C. Christians Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked, under the supervision of the Federal Security Administrator.

**14187. Adulteration of butter. U. S. v. 138 Pounds \* \* \*. (F. D. C. No. 26064. Sample No. 15558-K.)**

**LIBEL FILED:** October 8, 1948, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about August 24, 1948, by the Fisher Dairy & Cheese Co., Wapakoneta, Ohio.

**PRODUCT:** 138 pounds of butter at Detroit, Mich.

**LABEL, IN PART:** "Fischer's Select Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** November 12, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution.

**14188. Misbranding of butter. U. S. v. 60 Cases \* \* \*. (F. D. C. No. 26682. Sample No. 40573-K.)**

**LIBEL FILED:** On or about December 27, 1948, District of Oregon.

**ALLEGED SHIPMENT:** On or about November 27, 1948, by the Gem Creamery, from Emmett, Idaho.

**PRODUCT:** 60 cases, each containing 36 prints, of butter at Roseburg, Ore.

**LABEL, IN PART:** "Umpqua Brand Butter Manufactured by Umpqua Dairy Products Co., Roseburg, Ore. Weight One Pound."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the package containing the article did not bear an accurate statement of the quantity of the contents. (The article was short-weight.)



**DISPOSITION:** January 6; 1949. The Gem Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

**14189. Alleged misbranding of butter. U. S. v. 104 Cases \* \* \*. Tried to the court. Judgment for claimant; libel dismissed. (F. D. C. No. 25262. Sample Nos. 31437-K, 31438-K.)**

**LIBEL FILED:** August 11, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about July 19, 1948, by the Trinidad Creamery Co., from Trinidad, Colo.

**PRODUCT:** 104 cases, each containing 30 1-pound packages, of butter at Los Angeles, Calif.

**LABEL, IN PART:** "Colorado Gold Brand Creamery Butter First Quality."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "First Quality" was false and misleading as applied to the article, which was of lower quality.

**DISPOSITION:** The Trinidad Creamery Co. appeared as claimant and filed an answer, denying that the product was misbranded. The case came on for trial before the court on October 19, 1948, and at the conclusion of the trial on October 20, 1948, the case was taken under advisement by the court for consideration of the evidence and briefs of counsel. On January 5, 1949, the court handed down the following opinion:

*HALL, District Judge:* "In spite of the extended argument of the government, the long and short of the government's position is that they are attempting to libel the product involved on the basis of regulations concerning flavor. Although the regulations themselves appear of doubtful validity as an unlawful delegation of power, it is unnecessary to go into that proposition or consider it, as no amount of argument can overcome the plain provision of the Act of Congress, which by a specific Section (21 U. S. C. 321 (a) ) [sic.] defines butter and prescribes that 'it shall contain not less than eighty per cent (80%) by way of milk fat,' and which must be read as an intention of Congress to be the only standard of quality with relation to butter, in view of the specific prohibition in Sec. 341 of Title 21, that 'no definition and standard of identity, and no standard of quality shall be established for butter \* \* \*.' Certainly an effort to establish a standard of flavor depending upon the taste of the butter inspector at a given moment is an effort to establish not only a standard of quality, but also a 'standard of identity.'

"Moreover, from hearing the witnesses testify, and seeing the butter itself, or samples thereof, the evidence is wholly unsatisfactory to sustain the contention of the government that it does not meet the standards prescribed with relation to flavor, taste, and smell, even if such regulations should ultimately be held valid."

On January 25, 1949, the court entered its findings of fact, conclusions of law, and judgment that the article was not in violation of the Act and ordered that the product be released to the claimant.

**14190. Misbranding of butter. U. S. v. 232 Cases \* \* \*. (F. D. C. No. 25261. Sample No. 31439-K.)**

**LIBEL FILED:** August 11, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about July 10, 1948, by Swift & Co., from New Rockford, N. Dak.

**PRODUCT:** 232 cases, each containing 36 1-pound packages, of butter at Los Angeles, Calif.

**LABEL, IN PART:** "Swift's Brookfield Butter First Quality."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "First Quality" was false and misleading since the product was of lower quality.

**DISPOSITION:** September 20, 1948. Swift & Co., claimant, having filed an answer denying that the product was misbranded but having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration. The product was relabeled "Grade B Butter."

### CHEESE

**14191. Adulteration of cheese. U. S. v. 391 Bricks \* \* \*. (F. D. C. No. 25028. Sample No. 27525-K.)**

**LIBEL FILED:** On or about July 16, 1948, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about March 17, April 6, and May 25, 1948, from St. Paul, Minn.

**PRODUCT:** 391 5-pound bricks of cheese at Neosho, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid and decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 17, 1948. Default decree of destruction.

**14192. Adulteration of cheese. U. S. v. 540 Cheeses \* \* \*. (F. D. C. No. 25911. Sample No. 15988-K.)**

**LIBEL FILED:** November 9, 1948, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about July 31, 1948, by the Pick-A-Way Dairy Corp., from Circleville, Ohio.

**PRODUCT:** 540 77-pound cheeses at Detroit, Mich.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of flies and fly parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 13, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**14193. Adulteration of Cheddar cheese. U. S. v. 96 Cheeses \* \* \*. (F. D. C. No. 25948. Sample No. 6741-K.)**

**LIBEL FILED:** November 18, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about November 6, 1948, by Cuba Cheese & Trading Co., Inc., from Cranesville, Pa.

**PRODUCT:** 96 cheeses at Cuba, N. Y.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, cat hair fragments, and cow hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 27, 1948. Default decree of condemnation and destruction.

**14194. Adulteration of goat cheese. U. S. v. 7 Cheeses \* \* \*. (F. D. C. No. 26209. Sample No. 6165-K.)**

**LIBEL FILED:** December 23, 1948, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 13, 1948, by Leonard Nicoletti, from Midvale, Utah.

**PRODUCT:** 7 Cheeses, weighing a total of approximately 42 pounds, at Belle Vernon, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 18, 1949. Default decree of destruction.

## EGGS

**14195. Adulteration of frozen eggs. U. S. v. 76 Cans, etc. (F. D. C. No. 24922. Sample Nos. 9211-K, 9212-K.)**

**LIBEL FILED:** June 29, 1948, District of New Jersey.

**ALLEGED SHIPMENT:** On or about March 15, 22, 26, and 31, and April 2, 1948, by the Arrow Dairy Co., from New York, N. Y.

**PRODUCT:** 146 cans, each containing 30 pounds, of frozen eggs at Jersey City, N. J.

**LABEL, IN PART:** (Can) "Brand A Whole Eggs," "Brand B, MFA Frozen Egg Yolks," or "Acetex Yolks."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 17, 1949. Default decree of condemnation and destruction. An amended decree was entered January 31, 1949, permitting the sale of the product, providing that it be used in the tanning of leather.

**14196. Adulteration of frozen whole eggs. U. S. v. 15 Cans \* \* \*. (F. D. C. No. 26021. Sample No. 11319-K.)**

**LIBEL FILED:** November 8, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about September 24, 1948, by the Sam Pollman Produce Co., from Kansas City, Mo.

**PRODUCT:** 15 30-pound cans of frozen whole eggs at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** February 2, 1949. Default decree of condemnation and destruction.

## FISH AND SHELLFISH

14197. Adulteration of tullibees and ciscoes. U. S. v. 230 Boxes \* \* \* (and 3 other seizure actions). Tried to the court. Decree of condemnation. Product ordered released under bond. Decree affirmed upon appeal. (F. D. C. Nos. 22541, 22554, 22555, 22581. Sample Nos. 39234-H, 39235-H, 70133-H, 70134-H, 70138-H.)

LIBELS FILED: February 14, 18, and 25, 1947, Eastern District of Michigan.

ALLEGED SHIPMENT: (Tullibees) On or about January 3, 10, and 14, 1947, by the Canadian Fish Producers, Ltd., and (ciscoes) on or about January 24, 1947, by J. Harwood, from Winnipeg, Canada, to Windsor, Canada, and via truck of the J. Kozloff Fish Co., from Windsor, Canada, to Detroit, Mich.

PRODUCT: 296 125-pound boxes of tullibees and 42 60-pound boxes of ciscoes at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of parasites and parasitic worms.

DISPOSITION: J. Kozloff Fish Distributors, Detroit, Mich., having appeared as claimant and filed motions for dismissal of the libels, and argument having been heard on the motions, an order was entered on March 14, 1947, dismissing the motions. Answers to the libels thereupon were filed, denying that the product was in interstate commerce and alleging that the provisions of Section 801 rather than Section 304 of the Act were applicable to the cases. Thereafter, the libel proceedings having been consolidated, the case came on for trial before the court on May 13, 1947, and for further hearing on September 19, 1947. On November 25, 1947, the court handed down its findings of fact and conclusions of law, the substance of which is described in the opinion set forth below. On the same date, the court entered a decree of condemnation and ordered that the product be released under bond for delivery to zoological parks, for use as animal feed, or to a manufacturer of animal feed for conversion thereto, under the supervision of the Federal Security Agency. Notice of appeal to the Court of Appeals for the Sixth Circuit was filed on behalf of the claimant on December 4, 1947. On May 24, 1948, after considering the briefs and argument of counsel, the following opinion was handed down by that court:

MARTIN, *Circuit Judge*: "The claimant, J. Kozloff Fish Distributors, has appealed from a decree of condemnation of fish, admittedly infested with parasitic worms, seized under libels of information filed in the United States District Court for the Eastern District of Michigan pursuant to section 334 (a), Title 21, U. S. C. A., of the Federal Food, Drug and Cosmetic Act [June 25, 1938, c. 675, sec. 304, 52 Stat. 1044].

"The articles of food seized were transported in four separate shipments from Winnipeg, Manitoba, Canada, to Detroit, Michigan; and, before the libels were filed, had been admitted into this country and delivered to the consignee at Detroit by the Bureau of Customs of the Treasury Department, after having been released by the Food and Drug Administration acting in accordance with section 381, Title 21, U. S. C. A., and the regulations promulgated thereunder.

"After the articles of food had been admitted into the United States and while in possession of the consignee or its agent at a warehouse in Detroit, the United States Customs Service rechecked the importations to ascertain whether the Tariff Laws of the United States had been complied with; and, after re-



checking, took no proceedings in the matter to disturb the original entry. Simultaneously, however, the Food and Drug Administration, through inspectors, reexamined the fish and found them to be adulterated within the meaning of section 342 (a) (3), Title 21, U. S. C. A., in that the articles of food consisted wholly or partly of a filthy substance by reason of the presence therein of parasitic worms.

"Concededly, the infestation of the fish was not due to decomposition, or to any act of negligence of the claimant, but was caused by the presence of parasites in the Canadian Lakes from which the fish were taken. It follows, therefore, that the fish were infested prior to their shipment from Winnipeg, Canada, to Detroit, Michigan. Parasital infestation in fish, not being visible externally, can be determined only by internal examination of the fish. The adulterated articles of food are now in the custody of the United States Marshal in their original unbroken packages.

"The foregoing findings of fact of the district court are in conformity with an agreed statement of the parties submitted in lieu of a record. The question which we must answer is whether, in the circumstances of the case, section 304 (a) of the Federal Food, Drug and Cosmetic Act<sup>1</sup> [sec. 334 (a), Title 21, U. S. C. A.] authorizes the seizure and condemnation of the articles of food.

"The appellant contends that (1) the shipments of fish from Winnipeg, Manitoba, Canada, to Detroit, Michigan, were shipments in foreign and not in interstate commerce; (2) the fish were not adulterated in interstate commerce; (3) Customs entry of the fish with the approval of the Food and Drug Administration did not make the shipment interstate commerce within the meaning of U. S. C. A., Title 21, section 334 (a); and (4) the shipments, at the time of seizure, being still at the port of entry in the original containers continued to be 'imports' within the meaning of section 381, Title 21, U. S. C. A.

"The plain words of the statute reject the first contention of appellant. Section 201 (b) of the Act thus defines interstate commerce: "The term "interstate commerce" means (1) commerce between any State or Territory *and any place outside thereof*, and (2) commerce within the District of Columbia or within any other Territory not organized with a legislative body." Section 321 (b), Title 21, U. S. C. A. [Italics supplied.]

"No force is found in the argument that despite the words of the statute the definition should be restricted, as asserted by appellant, to the 'traditional meaning of "interstate commerce," i. e., commerce among the several states.' If Congress intended to limit the coverage of 'interstate commerce' exclusively to 'commerce between the several states', why were the words 'commerce between any State or Territory and any place outside thereof' written into the statute? No definition of any type of commerce other than interstate commerce is embraced in the Act. The term 'foreign commerce' is not defined or used.

"In some Acts of Congress, 'interstate commerce' has been given a narrow definition: in others, a broad one. No uniform pattern is discernible, but each Act has been so drafted by the Congress as to accomplish the particular purpose desired. For examples of divergency, see National Fire Arms Act of

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<sup>1</sup> Any article of food . . . that is adulterated or misbranded when introduced into or while in interstate commerce . . . shall be liable to be proceeded against while in interstate commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found; . . .



June 26, 1934, U. S. C. A., Title 26, sec. 2733 (g), for narrow definition; and, for broad definitions, see Securities Act of 1933, U. S. C. A., Title 15, sec. 77B (7); Securities Exchange Act of 1934, U. S. C. A., Title 15, sec. 78 C (17); Commodity Exchange Act, as amended in 1936, U. S. C. A., Title 7, sec. 2. The definition of 'interstate commerce' in the last cited Act bears close similarity to that given in the Federal Food, Drug and Cosmetic Act, in that the following language is employed: 'Commerce between any State, Territory or possession, or the District of Columbia, and any place outside thereof; . . . .'

"The argument of appellant receives no added weight by reference to the Federal Caustic Poison Act of 1927, U. S. C. A., Title 15, secs. 401, 402 (3) (c); The Filled Milk Act of 1923, U. S. C. A., Title 21, secs. 61, 62; The Meat Inspection Act of 1907, U. S. C. A., Title 21, sec. 71 et seq.; The Horse Meat Act of 1919, U. S. C. A., Title 21, sec. 96; The Virus, Serum, Toxin Act of July 1, 1902, U. S. C. A., Title 21, secs. 151-158; The Federal Insecticide, Fungicide and Rodenticide Act of June 25, 1947, U. S. C. A., Title 7, sec. 121 et seq. None of these statutes is inconsistent with an interpretation of the Federal Food, Drug and Cosmetic Act as meaning that commerce between a State and 'any place outside thereof' includes imported articles of food. The many different definitions of 'interstate commerce' in Acts of Congress impel the conclusion that each definition must be received and applied in compliance with the language of the particular Act. See *Kirschbaum Co. v. Walling*, 316 U. S. 517, 520, 521; *Walling v. Jacksonville Paper Co.*, 317 U. S. 564, 569.

"We need scarcely pause to comment that there is no merit in the second contention of appellant that the infested fish shipped from Winnipeg to Detroit were not adulterated in 'interstate commerce,' as alleged in the libels. Indisputably, the fish were adulterated by parasitic worm infestation when they were captured in the Canadian Lakes; they were so adulterated 'when introduced into' interstate commerce; and were, of course, infested 'while in interstate commerce.' They were, therefore, within the plain coverage of the Act. Cf. *Seven Cases of Eckman's Alterative v. United States of America*, 239 U. S. 510, 518.

"The last two contentions of appellant intertwine and are appropriately discussed together. The basis of the argument seems to rest upon insistence that the provisions of sub-chapter VIII—Imports and Exports—U. S. C. A., Title 21, section 381, are 'superior' to the first seven sub-chapters of the Act in relation to foreign commerce; and that the background of the existing Act of 1938 revealed in the Food and Drugs Act of 1906, taken with the legislative history of the existing enactment, supports an inference that Congress intended to provide special preference for 'citizen importers' and 'foreign exporters' by 'excluding their commerce from the harshness of procedures provided against interstate commerce.' It is urged that, while not entitled to possession of the articles of food for sale in the United States, claimant does have the right to export the fish to Canada, pursuant to the provisions of section 381.<sup>2</sup>

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<sup>2</sup> The Secretary of the Treasury shall deliver to the Federal Security Administrator, upon his request, samples of food . . . which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Federal Security Administrator and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that . . . (3) such article is adulterated, misbranded, or in violation of section 355, then such article shall be refused admission . . . [21 U. S. C. A., sec. 381 (a)].

The Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any such article refused admission, unless such article is exported by the consignee within three months from the date of notice of such refusal, under such



"We perceive no logical reason, either from the provisions of the Act itself or from its legislative history, for the assumption that sub-chapter VIII possesses superiority over the first seven sub-chapters of the Act. Nor does there seem to be any inconsistency between the seizure provisions of section 334 (a) of Title 21, U. S. C. A., and the import-export provisions of section 801 [21 U. S. C. A., section 381], such as to preclude seizure of the shipments of fish in the lawful manner pursued in the instant case.

"The Government concedes that section 801 [21 U. S. C. A., section 381] provides a special remedy, restricted to imports and exclusive for such time as the imported article remains in Customs' custody; but it is insisted here, and the district court so concluded, that the articles of food had been released from Customs' custody and were, thereupon, subject immediately to condemnation on libel of information pursuant to the provisions of U. S. C. A., Title 21, section 334. The Secretary of the Treasury, with the approval of the Federal Security Administrator, had unconditionally admitted the shipments into the United States. The reasonable interpretation would seem to be that section 801 is designed to test the right to admission before an article may be brought into the United States; and that section 334 (a) of Title 21, U. S. C. A., is operative after the article is released from Customs and admitted into this country. Cf. *United States v. Nine Barrels of Olives*, 179 Fed. 983 (D. C. Pa.).

"From a study of the legislative history of the Federal Food, Drug, and Cosmetic Act, we find no justification for the argument that imports were not intended to be considered as shipments in interstate commerce. The Act of 1906, in U. S. C. A., Title 21, section 14, provided for seizure of an adulterated or misbranded article 'if it be imported from a foreign country for sale.' The present law does not contain this specific language; but provides, as heretofore stated, that the term 'interstate commerce' means, *inter alia*, 'Commerce between any State or Territory and any place outside thereof' and, therefore, subjects an imported article to the condemnation procedure of U. S. C. A., Title 21, section 334 (a), as effectually as did the original Act. Obviously the Congress considered that no substantial change with respect to interstate commerce coverage was being wrought by the subsequent enactment of 1938. See S. Rep. No. 493, 73rd Cong., 2d Sess., page 19, accompanying S. 2800; S. Rep. No. 361, 74th Cong., 1st Sess., accompanying S. 5; H. Rep. No. 2139, 75th Cong., 3d Sess., p. 4 [referring to the present section 334 (a) of Title 21, U. S. C. A.]. It should be observed that H. R. Rep. 2139, 75th Cong., 3d Sess., p. 13, expressly states that section 801 relates to imports and contains no substantial change from the provisions of the then existing law.

"The legislative history does not support the insistence that citizen importers and foreign exporters were to be afforded any special privilege through restriction upon the seizure provisions of the Federal Food, Drug and Cosmetic Act. Indeed, it is manifest that one of the main purposes in the repeal of the Act of 1906 and the substitution therefor of the Act of 1938 was to enlarge the protection of the public from adulterated foods. In the report of the Senate Com-

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regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee any such article pending examination and decision in the matter on execution of a bond as liquidated damages for the amount of the full invoice value thereof together with the duty thereon and on refusing for any cause to return such article or any part thereof to the custody of the Secretary of the Treasury when demanded for the purpose of excluding it from the country or for any other purpose, such consignee shall forfeit the full amount of the bond as liquidated damages. [21 U. S. C. A., section 381 (b)].



mittee on Commerce upon S. 5, a draft very similar to the bill as enacted, it was stated: 'This bill has been prepared with three basic principles in mind: First, it must not weaken the existing law; second, it must strengthen and extend that law's protection of the consumer; and, third, it must impose on honest industrial enterprise no hardship which is unnecessary or unjustified in the public interest.' S. Rep. No. 91, 75th Cong., 1st Sess.

"The Supreme Court of the United States has said: 'The Food and Drugs Act of 1906 was an exertion by Congress of its power to keep impure and adulterated food and drugs out of the channels of commerce. By the Act of 1938, Congress extended the range of its control over illicit and noxious articles and stiffened the penalties for disobedience. The purposes of this legislation thus touch phases of the lives and health of people which, in the circumstances of modern industrialism, are largely beyond self-protection. Regard for these purposes should infuse construction of the legislation if it is to be treated as a working instrument of government and not merely as a collection of English words.' *United States v. Dotterweich*, 320 U. S. 277, 280.

"An opinion of the United States Court of Customs and Patent Appeals announced January 7, 1947, while relating only to the recovery of customs' duties upon a shipment of fish from Canada to the United States, is of some interpretative significance here. Presiding Judge Garrett stated: 'We think section 558 of the Tariff Act of 1930, as amended by the Customs Administrative Act of 1938, and Section 381(a) and (b) [Sec. 801(a) and (b) Federal Food, Drug and Cosmetic Act] must, in cases such as this, be construed *pari passu* and that both must be given force and effort in determining whether there has been a release of merchandise from the "custody of the government."' *United States v. W. F. Mackay*, 34 U. S. Court of Customs and Patent Appeals Reports 127, 133, 134.

"After an imported article has passed from the control of the Customs officials and has been released and delivered to the consignee, no authority under federal law or customs' regulations is found to authorize the Secretary of the Treasury to seize such imports except in cases where fraud was involved in their entry, as for instance in *Origet v. United States*, 125 U. S. 240, Cf. *United States v. One Diamond Ring*, 2 F. (2d) 732. The instant case involves no issue of fraud in the importation of the adulterated food articles. The Secretary of the Treasury and the Federal Security Administrator had completed the performance of the duties imposed upon them by section 801 of the Act. When this point had been reached, the Food and Drug Administration took action by filing libels of information upon which the shipments of infested fish were seized where warehoused by the claimant. We conclude, as the district court did, that the articles of food so seized were subject to lawful condemnation in the manner pursued by due processes in conformity with the statute.

"The decree of condemnation entered in the district court is, therefore, affirmed."

On August 17, 1948, the decree of November 25, 1947, was amended to permit the claimant to sell and deliver the product for animal feeding purposes, under the supervision of the Federal Security Agency.



**14198. Adulteration of frozen perch fillets. U. S. v. 233 Cartons \* \* \*.**  
(F. D. C. No. 24906. Sample No. 8729-K.)

**LIBEL FILED:** June 22, 1948, District of New Jersey.

**ALLEGED SHIPMENT:** On or about August 29, 1946, by Genoa Fisheries, Inc., from Boston, Mass.

**PRODUCT:** 233 cartons, each containing 2 5-pound packages, of frozen perch fillets at Asbury Park, N. J.

**LABEL, IN PART:** "Genoa Brand Frosted Fillets Red Perch."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of parasitic worms and decomposed fish.

**DISPOSITION:** December 21, 1948. Default decree of condemnation and destruction.

**14199. Adulteration of frozen salmon. U. S. v. 37 Cartons, etc. (F. D. C. No. 25965. Sample Nos. 10326-K, 10327-K.)**

**LIBEL FILED:** October 28, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 8, 1948, by the Veterans Administration, from Richmond, Va., This was a return shipment.

**PRODUCT:** 59 15-pound cartons of frozen salmon at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** November 19, 1948. Default decree of condemnation and destruction.

**14200. Adulteration of crab meat. U. S. v. 1 Barrel, etc. (F. D. C. No. 25846. Sample No. 3708-K.)**

**LIBEL FILED:** On or about August 31, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about August 25, 1948, by the York River Seafood Co., from Seaford, Va.

**PRODUCT:** 4 barrels, containing 417 1-pound cans, of crab meat at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (The product was contaminated with *B. coli* of fecal origin.)

**DISPOSITION:** October 6, 1948. Default decree of condemnation and destruction.

**14201. Adulteration of crab meat. U. S. v. 1 Barrel, etc. (F. D. C. No. 25848. Sample No. 3729-K.)**

**LIBEL FILED:** September 1, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about August 30, 1948, by the York River Seafood Co., from Seaford, Va.

**PRODUCT:** 3 barrels, containing a total of 311 1-pound cans, of crab meat at Baltimore, Md.

LABEL, IN PART: "Bay Brand Crabmeat."

NATURE OF CHARGES Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (The product was contaminated with *B. coli* of fecal origin.)

DISPOSITION: October 6, 1948. Default decree of condemnation and destruction.

14202. Adulteration of crab meat. U. S. v. 1 Barrel, etc. (F. D. C. No. 25844. Sample No. 3720-K.)

LIBEL FILED: September 3, 1948, District of Maryland.

ALLEGED SHIPMENT: On or about August 31, 1948, by Sinclair Seafoods, from Hampton, Va.

PRODUCT: 3 barrels, containing 244 1-pound cans of crab meat at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (The product was contaminated with *B. coli* of fecal origin.)

DISPOSITION: October 6, 1948. Default decree of condemnation and destruction.

14203. Adulteration of crab meat. U. S. v. 1 Barrel, etc. (and 1 other seizure action). (F. D. C. Nos. 26048, 26049. Sample Nos. 3699-K, 3719-K.)

LIBELS FILED: September 28 and 30, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 24 and 31, 1948, by Sinclair Seafoods, from Hampton, Va.

PRODUCT: Crab meat. 1 barrel and 1 keg, each containing 50 1-pound cans, at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was filthy, being polluted with *E. coli*, a micro-organism indicating the presence of fecal contamination.

DISPOSITION: November 18, 1948. Default decrees of condemnation and destruction.

14204. Adulteration of crab meat. U. S. v. 2 Barrels \* \* \*. (F. D. C. No. 25845. Sample No. 3706-K.)

LIBEL FILED: August 31, 1948, District of Maryland.

ALLEGED SHIPMENT: On or about August 25, 1948, by P. K. Hunt & Son, from Fort Monroe, Va.

PRODUCT: 2 barrels, each containing 96 1-pound cans, of crab meat at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (The product was contaminated with *B. coli* of fecal origin.)

DISPOSITION: October 6, 1948. Default decree of condemnation and destruction.



**14205. Adulteration of crab meat. U. S. v. 22 cans \* \* \*. (F. D. C. No. 25843. Sample No. 3721-K.)**

**LIBEL FILED:** September 3, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about August 31, 1948, by W. G. Evans, Messick, Va.

**PRODUCT:** 22 1-pound cans of crab meat at Abingdon, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (The product was contaminated with *B. coli* of fecal origin.)

**DISPOSITION:** October 6, 1948. Default decree of condemnation and destruction.

**14206. Adulteration of frozen lobster meat. U. S. v. 376 Cans \* \* \*. (F. D. C. No. 25859. Sample No. 10322-K.)**

**LIBEL FILED:** October 19, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 8, 1948, by the Providence Sea Food Co., Providence, R. I., and Milden & White, Philadelphia, Pa. These were return shipments.

**PRODUCT:** 376 10-pound cans of frozen lobster meat at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed lobster meat.)

**DISPOSITION:** November 17, 1948. Default decree of condemnation and destruction.

**14207. Adulteration and misbranding of oysters. U. S. v. 476 Pints \* \* \*. (F. D. C. No. 25899. Sample No. 3483-K.)**

**LIBEL FILED:** October 29, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 26, 1948, by the Tom's Cove Oyster Co., from Chincoteague, Va.

**PRODUCT:** 476 pints of oysters at Portsmouth, Ohio.

**LABEL, IN PART:** "Delicious Oysters 1 Pint new fresh raw oysters Va. 33 Standards."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added liquid had been substituted in whole or in part for oysters.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters "standards" since it was not thoroughly drained; and, Section 403 (e) (1), the product was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** December 1, 1948. Default decree of condemnation and destruction.

**14208. Misbranding of oysters. U. S. v. 88 Pints \* \* \*. (F. D. C. No. 26137. Sample Nos. 2300-K, 2304-K.)**

**LIBEL FILED:** December 20, 1948, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about December 9, 1948, by W. H. McGee & Co., from Baltimore, Md.

**PRODUCT:** 88 pint cans of oysters at Wauchula, Fla.

**LABEL, IN PART:** "Oysters Standards" or "Oysters Selects."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the products purported to be and were represented as oysters "standards" and oysters "selects," foods for which definitions and standards of identity had been prescribed, and they failed to conform to such definitions and standards since they were not thoroughly drained.

**DISPOSITION:** January 24, 1949. Default decree of condemnation and destruction.

**14209. Misbranding of oysters. U. S. v. 464 Cans \* \* \*. (F. D. C. No. 25957. Sample No. 2301-K.)**

**LIBEL FILED:** November 23, 1948, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about November 18, 1948, by I. L. Leonard & Co., from Cambridge, Md.

**PRODUCT:** 464 1-pint cans of oysters at Springfield, Ill. Examination showed that the product contained 11.5 percent added liquid, indicating that it was not thoroughly drained.

**LABEL, IN PART:** "Oysters Standards \* \* \* Leonards Oysters."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned oysters since it was not thoroughly drained, whereas the definition and standard requires that such oysters be thoroughly drained.

**DISPOSITION:** December 21, 1948. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT \*

**14210. Adulteration of canned apples. U. S. v. 108 Cases \* \* \*. (F. D. C. No. 25868. Sample No. 1205-K.)**

**LIBEL FILED:** October 20, 1948, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about August 8, 1947, from Wilson, N. Y.

**PRODUCT:** 108 cases, each containing 6 6-pound cans, of apples at Savannah, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 24, 1948. Default decree of condemnation and destruction.

**14211. Adulteration of canned apples. U. S. v. 103 Cases \* \* \*. (F. D. C. No. 26252. Sample No. 38004-K.)**

**LIBEL FILED:** On or about January 25, 1949, District of Kansas.

**ALLEGED SHIPMENT:** On or about October 15, 1948, by the J. and M. Trading Co., from Kansas City, Mo.

**PRODUCT:** 103 cases, each containing 6 6-pound cans, of apples at Wichita, Kans.

**LABEL, IN PART:** "Mellhorn Brand Sliced Apples."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** March 21, 1949. Default decree of condemnation and destruction.

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\*See also No. 14262.



**14212. Adulteration of canned apricots. U. S. v. 20 Cases \* \* \*. (F. D. C. No. 26198. Sample No. 18364-K.)**

**LIBEL FILED:** December 1, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 15, 1948, by Phillip-Barr & Co., from New York, N. Y.

**PRODUCT:** 20 cases, each containing 6 6-pound, 12-ounce cans, of apricots at Cincinnati, Ohio.

**LABEL, IN PART:** "Headline Fancy Whole Unpeeled Apricots \* \* \* Packed By Fair View Packing Co., Inc., Hollister, San Benito County, California."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 21, 1949. Default decree of condemnation and destruction.

**14213. Adulteration of canned cherries. U. S. v. 49 Cases \* \* \*. (F. D. C. No. 25903. Sample No. 19576-K.)**

**LIBEL FILED:** November 3, 1948, Middle District of Tennessee.

**ALLEGED SHIPMENT:** On or about December 6, 1946, from Vancouver, Wash.

**PRODUCT:** 49 cases, each containing 24 1-pound, 14-ounce cans, of sweet cherries at Nashville, Tenn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 16, 1948. Default decree of destruction.

**14214. Adulteration of canned cherries. U. S. v. 42 Cases \* \* \*. (F. D. C. No. 26425. Sample No. 36581-K.)**

**LIBEL FILED:** February 15, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 28, 1948, by the Eugene Fruit Growers Assoc., from Portland, Oreg.

**PRODUCT:** 42 cases, each containing 6 6-pound, 9-ounce cans, of cherries at Philadelphia, Pa.

**LABEL, IN PART:** "Wilamet Brand Dark Sweet Pitted Cherries."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed cherries.

Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned cherries since more than 15 percent by count of cherries in the container of the article were blemished with scab or other abnormalities, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** March 22, 1949. Default decree of condemnation and destruction.

**14215. Misbranding of canned cherries. U. S. v. 299 Cases \* \* \*. (F. D. C. No. 25951. Sample No. 43074-K.)**

**LIBEL FILED:** November 24, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 2, 1948, by the Traverse City Canning Co., from Traverse City, Mich.

PRODUCT: 299 cases, each containing 24 1-pound, 3-ounce cans, of cherries at Chicago, Ill.

LABEL, IN PART: "Food Club Red Sour Pitted Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned red sour pitted cherries, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear as required by the regulations the name of the optional packing medium present in the article, namely, water.

DISPOSITION: January 12, 1949. Default decree of condemnation. The product was ordered delivered to a public institution.

**14216. Misbranding of canned cherries. U. S. v. 102 Cases \* \* \*. (F. D. C. No. 25811. Sample No. 29233-K.)**

LIBEL FILED: October 14, 1948, District of Idaho.

ALLEGED SHIPMENT: On or about August 23, 1946, by the Blackington & Son Canning Co., from Ogden, Utah.

PRODUCT: 102 cases, each containing 24 1-pound, 12-ounce cans, of cherries at Twin Falls, Idaho.

LABEL, IN PART: "Mor Fresh Dark Sweet Cherries In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product was canned cherries, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear as required by the regulations the name of the optional packing medium present since its label bore the statement "In Heavy Syrup," whereas the article was packed in light sirup; and, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since it was unpitted cherries and the weight of the largest cherry in the container was more than twice the weight of the smallest cherry, and it failed to bear a statement that it fell below the standard.

DISPOSITION: November 1, 1948. Blackington & Son Canning Co., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond to be relabeled.

**14217. Misbranding of canned cherries. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 26012. Sample No. 36533-K.)**

LIBEL FILED: November 12, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about August 11, 1948, by the Western Oregon Packing Corp., Corvallis, Oreg.

PRODUCT: 18 cases, each containing 24 cans, of cherries at New York, N. Y.

LABEL, IN PART: "Heart of the Valley Brand Light Sweet Royal Anne Cherries In Heavy Syrup Net Weight 1 Lb. 4 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled amount, "Net Weight 1 Lb. 4 Oz."; and, Section 403 (g) (2), the product purported to be and was represented as canned cherries, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear as required by the regulations the name of the optional packing medium present since the label bore the statement "In Heavy Syrup," whereas the product was packed in water.

DISPOSITION: December 8, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.



**14218. Adulteration of canned dates. U. S. v. 95 Cases \* \* \*. (F. D. C. No. 26250. Sample No. 22122-K.)**

**LIBEL FILED:** January 3, 1949, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about November 8, 1948, from Pasadena, Calif.

**PRODUCT:** 95 cases, each containing 24 cans, of dates at New Orleans, La.

**LABEL, IN PART:** "Long's California Dates 8 Oz. Net Weight."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 2, 1949. Default decree of condemnation and destruction.

**14219. Adulteration of canned dates. U. S. v. 24 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26004, 26234. Sample Nos. 1206-K, 53125-K.)**

**LIBELS FILED:** November 9 and December 23, 1948, Eastern District of South Carolina and Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about May 19 and July 19, 1948, from Pasadena, Calif.

**PRODUCT:** 59 cases, each containing 24 8-ounce cans, of dates at Columbia, S. C., and New Orleans, La. Examination showed that the product was fermented.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its being fermented. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 6 and 25, 1949. Default decrees of condemnation and destruction.

**14220. Adulteration of canned dates. U. S. v. 49 Cases \* \* \*. (F. D. C. No. 26576. Sample No. 13265-K. )**

**LIBEL FILED:** February 7, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 3, 1948, from Pasadena, Calif.

**PRODUCT:** 49 cases, each containing 24 8-ounce cans, of dates at Philadelphia, Pa. Examination showed that the product was fermented.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its fermentation. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 15, 1949. Default decree of condemnation and destruction.

**14221. Adulteration of canned dates. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 26416. Sample No. 48223-K.)**

**LIBEL FILED:** January 18, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 3, 1948, from Pasadena, Calif.

**PRODUCT:** 18 cases, each containing 24 8-ounce cans, of dates at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its fermentation. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 28, 1949. Default decree of condemnation and destruction.

**14222. Misbranding of canned peaches. U. S. v. 750 Cases \* \* \*. (F. D. C. No. 25900. Sample Nos. 31775-K, 31783-K.)**

**LIBEL FILED:** November 1, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about August 18, 1948, by the Case-Swayne Co., Inc., Santa Ana, Calif.

**PRODUCT:** 750 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Wilmington, Calif., consigned to Somerville, Mass.

**LABEL, IN PART:** "‘Yor’ Garden Sliced Ripe Yellow Freestone Peaches Net weight 1 Lb. 14 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (2), the product failed to conform to the standard of fill of container for canned peaches, and its label failed to bear a statement that it fell below such standard. The standard of fill of container for canned peaches is the maximum quantity of optional peach ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

**DISPOSITION:** December 20, 1948. The Case-Swayne Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled, under the supervision of the Federal Security Agency.

**14223. Adulteration of canned crushed pineapple. U. S. v. 439 Cases \* \* \*. (F. D. C. No. 25886. Sample No. 15081-K.)**

**LIBEL FILED:** November 9, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about June 5, 1948, by Lone Star International Foods, from San Carlos, Tex.

**PRODUCT:** 439 cases, each containing 24 1-pound, 4-ounce cans, of crushed pineapple at Chicago, Ill.

**LABEL, IN PART:** "Flotill Crushed Pineapple."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 13, 1949. Holleb & Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

**14224. Adulteration of canned crushed pineapple. U. S. v. 125 Cases \* \* \*. (F. D. C. No. 25661. Sample No. 27393-K.)**

**LIBEL FILED:** October 12, 1948, Eastern District of Arkansas.



**ALLEGED SHIPMENT:** On or about June 30, 1948, from New Orleans, La.

**PRODUCT:** 125 cases, each containing 24 1-pound, 4-ounce cans, of crushed pineapple at Conway, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 14, 1948. The M-K Grocer Co., Conway, Ark., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated under the supervision of the Food and Drug Administration. Of the 116 cases seized, 112 cases and 3 cans were salvaged and the remainder were destroyed.

**14225. Adulteration of canned pineapple. U. S. v. 235½ cases \* \* \*. (F. D. C. No. 26231. Sample No. 37743-K.)**

**LIBEL FILED:** December 23, 1948, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about October 28, 1946, from Cleveland, Ohio.

**PRODUCT:** 235½ cases, each containing 6 No. 10 cans, of pineapple at Spokane, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 24, 1949. Default decree of condemnation and destruction.

#### FRESH AND FROZEN FRUIT

**14226. Adulteration of apples. U. S. v. 49 Bushels \* \* \*. (F. D. C. No. 26164. Sample No. 45643-K.)**

**LIBEL FILED:** October 29, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 14, 1948, by Fred A. Peters, Batchtown, Ill.

**PRODUCT:** 49 bushels of apples at St. Louis, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

**DISPOSITION:** December 1, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution. The decree provided further that the apples be peeled before use and that the peelings be destroyed.

**14227. Adulteration of apples. U. S. v. 32 Bushels \* \* \*. (F. D. C. No. 26165. Sample No. 45649-K.)**

**LIBEL FILED:** November 3, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 27, 1948, by Edw. Ringhausen, from Jerseyville, Ill.

**PRODUCT:** 32 bushels of apples at St. Louis, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

**DISPOSITION:** December 1, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution. The decree provided further that the apples be peeled before use and that the peelings be destroyed.

**14228. Adulteration of fresh huckleberries. U. S. v. 100 Crates, etc. (F. D. C. No. 25835. Sample No. 8946-K.)**

**LIBEL FILED:** August 5, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 4, 1948, by Scoblick Bros., from Archbald, Pa.

**PRODUCT:** Huckleberries. 100 crates, each containing 24 quarts, and 15 crates, each containing 32 quarts, at New York, N. Y. Examination showed that the product was infested with maggots.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

**DISPOSITION:** August 11, 1948. Default decree of condemnation and destruction.

**14229. Adulteration of frozen peaches. U. S. v. 1,000 Cans \* \* \*. (F. D. C. No. 26190. Sample Nos. 29029-K, 29034-K.)**

**LIBEL FILED:** November 30, 1948, Western District of Texas.

**ALLEGED SHIPMENT:** On or about October 23, 1945, from Lewiston, Idaho.

**PRODUCT:** 1,000 30-pound cans of frozen peaches at El Paso, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 11, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**14230. Adulteration of frozen strawberries. U. S. v. 446 Cans (and 1 other seizure action). (F. D. C. Nos. 25184, 25755. Sample Nos. 281-K, 8958-K.)**

**LIBELS FILED:** July 20 and September 15, 1948, Middle District of Georgia and Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 20 and June 16 and 18, 1948, by the Bate-man Frozen Foods Co., Macon, Ga., and Mobile, Ala.

**PRODUCT:** Frozen strawberries. 446 cans, each containing 45 to 50 pounds, and 19 cans, each containing 30 pounds, at Macon, Ga.; and 50 cans, each containing 25 pounds, at New York, N. Y.

**LABEL, IN PART:** (Portion) "Frozen Dixiana Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy strawberries.

**DISPOSITION:** September 30, 1948, and January 6, 1949. Default decrees of condemnation and destruction.

**14231. Adulteration of frozen strawberries. U. S. v. 75 Cans \* \* \*. (F. D. C. No. 25902. Sample No. 23780-K.)**

**LIBEL FILED:** November 4, 1948, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about September 17, 1948, by Pictsweet Foods, Inc., from Monroe, Wash.



PRODUCT: .75 30-pound cans of frozen strawberries at Houston, Tex.

LABEL, IN PART: (Cans) "Marshall Strawberries 4 plus 1 mix 30 lbs. net."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed berries.

DISPOSITION: December 14, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as stock feed.

**14232. Adulteration of frozen strawberries. U. S. v. 198 Tins \* \* \*.**  
(F. D. C. No. 25258. Sample No. 37282-K.)

LIBEL FILED: August 13, 1948, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 12, 1948, by the Hershey Packing Co., from Snohomish, Wash.

PRODUCT: 198 28-pound tins of frozen strawberries at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: September 8, 1948. Consent decree of destruction.

#### MISCELLANEOUS FRUIT PRODUCTS \*

**14233. Adulteration and misbranding of apple butter. U. S. v. 44 Cases \* \* \***  
(and 1 other seizure action). (F. D. C. Nos. 26028, 26029. Sample Nos. 2534-K, 40156-K.)

LIBELS FILED: November 10 and 12, 1948, District of Maryland and Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 7 and 12, 1948, by the Roanoke Apple Products Co., from Roanoke, Va.

PRODUCT: Apple butter. 44 cases at Baltimore, Md., and 24 cases at Charleston, W. Va. Each case contained 12 1-pound, 12-ounce jars.

LABEL, IN PART: "Old Kettle Brand Apple Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 43 percent soluble solids had been substituted for apple butter.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple butter since the soluble-solids content was less than 43 percent.

DISPOSITION: December 7 and 17, 1948. Default decrees of condemnation. The product was ordered delivered to charitable institutions.

**14234. Adulteration of pineapple jelly. U. S. v. 7 Cases \* \* \*.** (F. D. C. No. 25863. Sample No. 2284-K.)

LIBEL FILED: October 18, 1948, District of Maryland.

ALLEGED SHIPMENT: On or about June 10, 1947, from Columbus, Ohio.

PRODUCT: 7 cases, each containing 24 1-pound jars, of pineapple jelly at Cumberland, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of large sugar crystals. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 2, 1948. Default decree of condemnation and destruction.

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\*See also No. 14276.

**14235. Adulteration of fig paste. U. S. v. 270 Cases \* \* \*. (F. D. C. No. 25012. Sample Nos. 12170-K, 12171-K.)**

**LIBEL FILED:** July 6, 1948, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 30, 1946, from San Francisco, Calif.

**PRODUCT:** 270 80-pound cases of fig paste at Wilkes-Barre, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of being fermented and moldy. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 9, 1948. Default decree of condemnation and destruction.

### VEGETABLES AND VEGETABLE PRODUCTS

**14236. Adulteration of frozen asparagus. U. S. v. 11 Cases \* \* \*. (F. D. C. No. 25634. Sample No. 32279-K.)**

**LIBEL FILED:** September 14, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about March 11, 1947, from Zillah, Wash.

**PRODUCT:** 11 cases, each containing 48 10-ounce packages, of asparagus at Oakland, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402(a) (3), the product was unfit for food by reason of its abnormal, objectionable odor and flavor. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 5, 1948. Default decree of condemnation and destruction.

**14237. Adulteration of canned Mexican style beans. U. S. v. 102 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 23342, 23438, 23760. Sample Nos. 41074-H, 73773-H, 77835-H.)**

**LIBELS FILED:** July 7 and September 3 and 18, 1947, Western District of Tennessee, Eastern District of Washington, and Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about December 5, 1946, and January 15 and July 21, 1947, by the Ladoga Canning Co., from Mound City, Ill., and Lebanon, Ind.

**PRODUCT:** Mexican style beans. 102 cases at Memphis, Tenn., 329 cases at Spokane, Wash., and 50 cases at Toledo, Ohio. Each case contained 24 1-pound, 4-ounce cans.

**LABEL, IN PART:** "Boone County Brand Mexican Style Beans in Chili Gravy."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the product contained burrs, an added deleterious substance, which may have rendered it injurious to health.

**DISPOSITION:** September 2 and October 10 and 21, 1947. Default decrees of condemnation and destruction.

**14238. Adulteration of diced beets. U. S. v. 75 Cases \* \* \* (F. D. C. No. 26183. Sample No. 19577-K.)**

**LIBEL FILED:** November 26, 1948, Middle District of Tennessee.

**ALLEGED SHIPMENT:** On or about September 9, 1946, from Sussex, Wis.

**PRODUCT:** 75 cases, each containing 6-pound, 9-ounce cans, of diced beets at Nashville, Tenn.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 18, 1949. Default decree of condemnation and destruction.

**14239. Adulteration of celery. U. S. v. 468 Crates \* \* \*. (F. D. C. No. 26510. Sample No. 20775-K.)**

**LIBEL FILED:** February 8, 1949, District of Nebraska.

**ALLEGED SHIPMENT:** On or about January 17, 1949, by the Brooks & Bly Co., from Cutler, Calif.

**PRODUCT:** 468 crates, each containing 50 pounds, of celery at Omaha, Nebr.

**LABEL, IN PART:** "California Vegetables Tulare Chief Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food because of discoloration, pithiness, and softening, due to freezing.

**DISPOSITION:** March 8, 1949. Default decree of condemnation and destruction.

**14240. Adulteration of canned cream style corn. U. S. v. 502 Cases \* \* \*. (F. D. C. No. 26207. Sample No. 25446-K.)**

**LIBEL FILED:** December 8, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 15, 1948, by the Cool Spring Canning Co., from Lake Mills, Iowa.

**PRODUCT:** 502 cases, each containing 24 1-pound cans, of cream style corn at St. Paul, Minn.

**LABEL, IN PART:** "Anon Brand Cream Style Golden Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3) the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

**DISPOSITION:** February 28, 1949. Default decree of condemnation. The product was ordered denatured for use as animal feed, under the supervision of the Food and Drug Administration, or destroyed.

**14241. Adulteration of canned cream style corn. U. S. v. 248 Cases \* \* \*. (F. D. C. No. 25892. Sample No. 45631-K.)**

**LIBEL FILED:** October 29, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 21, 1948, by the Streator Canning Co., from Streator, Ill.

**PRODUCT:** 248 cases, each containing 6 6-pound cans, of cream style corn at St. Louis, Mo.

**LABEL, IN PART:** "Cream Style Country Gentleman White Sweet Corn Net Weight 6 lbs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

**DISPOSITION:** December 2, 1948. Default decree of condemnation and destruction.

**14242. Adulteration of canned mustard greens. U. S. v. 166 Cases (and 1 other seizure action).** (F. D. C. Nos. 25223, 25235. Sample Nos. 7991-K, 20623-K.)

**LIBELS FILED:** On or about August 3 and 6, 1948, Western District of Pennsylvania and Western District of Missouri.

**ALLEGED SHIPMENT:** On or about May 17 and 29, 1948, by the Ozark Packing Co., from Ozark, Ark.

**PRODUCT:** Mustard greens. 28 cases at Pittsburgh, Pa., and 166 cases at St. Joseph, Mo. Each case contained 24 1-pound, 2-ounce cans.

**LABEL, IN PART:** "Pride of Ozark Brand Fancy Mustard Greens."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids and larvae.

**DISPOSITION:** August 24 and September 13, 1948. Default decrees of condemnation and destruction.

**14243. Adulteration of canned garbanzos (chick-peas). U. S. v. 100 Cases \* \* \*. (F. D. C. No. 26046. Sample No. 867-K.)**

**LIBEL FILED:** November 18, 1948, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about January 25, 1947, by the Delta Canning Co., from Raymondville, Tex.

**PRODUCT:** 100 cases, each containing 24 1-pound, 4-ounce cans, of garbanzos (chick-peas) at Tampa, Fla.

**LABEL, IN PART:** "Delco Brand Garbanzos Made from Dry Ceci Peas."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** December 10, 1948. Default decree of condemnation and destruction.

**14244. Adulteration of canned black-eyed peas. U. S. v. 169 Cases \* \* \*. (F. D. C. No. 25155. Sample Nos. 58-K, 67-K.)**

**LIBEL FILED:** August 2, 1948, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about September 4, 1947, by American State Bank, from Charleston, Ark.

**PRODUCT:** 169 cases, each containing 24 cans, of black-eyed peas at Columbia, S. C.

**LABEL, IN PART:** (Can) "Ozark Valley Fresh Shelled Black-Eyed Peas Contents 1 lb. 3 oz. Packed by Ozark Packing Company, Ozark, Ark."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

**DISPOSITION:** January 14, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution, to be used for purposes other than for human consumption.

**14245. Adulteration of dried whole peas. U. S. v. 961 Bags \* \* \*. (F. D. C. No. 25249. Sample No. 23549-K.)**

**LIBEL FILED:** August 6, 1948, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about June 24, 1948, by the Washington Idaho Seed Co., from Walla Walla, Wash.



**PRODUCT:** 961 bags, some containing 100 pounds and some containing 125 pounds, of dried whole peas at New Orleans, La. The product was offered to the Army for food purposes.

**LABEL, IN PART:** "Dry Whole Peas \* \* \* Louis Cohen Food Products, Inc. New York, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, chloranil, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

**DISPOSITION:** December 22, 1948. Louis Cohen Food Products, Inc., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond, to be sold after proper labeling to a Government agency, to be used for seed.

**14246. Adulteration of green split peas. U. S. v. 100 Sacks \* \* \*. (F. D. C. No. 25907. Sample No. 19773-K.)**

**LIBEL FILED:** November 5, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about February 4, 1948, from Moscow, Idaho.

**PRODUCT:** 100 25-pound sacks of green split peas at Cincinnati, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 29, 1948. The Washburn-Wilson Seed Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and brought into compliance with the law, under the supervision of the Federal Security Agency.

**14247. Adulteration of green split peas. U. S. v. 6 Bags \* \* \*. (F. D. C. No. 25992. Sample No. 2836-K.)**

**LIBEL FILED:** October 29, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about December 22, 1947, from Chicago, Ill.

**PRODUCT:** 6 100-pound bags of green split peas at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 17, 1948. Default decree of condemnation. The product was ordered sold for use as animal feed.

**14248 Adulteration of yellow split peas. U. S. v. 60 Bags \* \* \*. (F. D. C. No. 25867. Sample No. 9581-K.)**

**LIBEL FILED:** On or about October 21, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 11, 1947, from Spokane, Wash.

**PRODUCT:** 60 100-pound bags of yellow split peas at New York, N. Y., in the possession of the Independent Warehouse.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 29, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as hog feed.

**14249. Adulteration of canned peas. U. S. v. 82 Cases \* \* \*. (F. D. C. No. 26355. Sample No. 1215-K.)**

**LIBEL FILED:** On or about January 3, 1949, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about October 16, 1948, by H. L. Joyner, from New Orleans, La.

**PRODUCT:** 82 cases, each containing 24 cans, of peas at Columbia, S. C.

**LABEL, IN PART:** (Can) "Castle Haven Early June Peas Net Wt. 1 Lb. 4 Ozs. Packed by Phillips Packing Co., Inc. Cambridge, Md., U. S. A."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** February 10, 1949. Default decree of condemnation and destruction.

**14250. Misbranding of canned peas. U. S. v. 232 Cases \* \* \*. (F. D. C. No. 26192. Sample No. 2540-K.)**

**LIBEL FILED:** December 2, 1948, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about September 13, 1948, by C. D. Kenny Division, Consolidated Grocers Corp., from Baltimore, Md.

**PRODUCT:** 232 cases, each containing 24 1-pound, 4-ounce cans, of peas at Kenova, W. Va.

**LABEL, IN PART:** "Castleman River June Peas \* \* \* Packed \* \* \* By Garrett County Coop., Inc. Grantsville, Md."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below the standard of quality because of higher alcohol-insoluble solids than the maximum permitted by the standard.

**DISPOSITION:** January 13, 1949. Default decree of condemnation. The product was ordered delivered to charitable institutions.

**14251. Adulteration of pickles. U. S. v. 385 Cases \* \* \*. (F. D. C. No. 26590. Sample Nos. 13085-K, 13090-K.)**

**LIBEL FILED:** February 10, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 24, 1946, from Newark, N. J.

**PRODUCT:** 385 cases, each containing 12 1-quart jars, of pickles at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed cucumber slices and was otherwise unfit for food by reason of the presence of soft and slimy cucumber slices in a liquid having a disagreeable odor. The article was adulterated while held for sale after shipment in interstate commerce.



**DISPOSITION:** March 15, 1949. Default decree of condemnation and destruction.

**14252. Adulteration of canned pimientos. U. S. v. 900 Cases \* \* \*. (F. D. C. No. 25887. Sample No. 18999-K.)**

**LIBEL FILED:** October 28, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 31, 1946, from Sparks, Ga.

**PRODUCT:** 900 cases, each containing 24 1-pint jars, of pimientos at Cleveland, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 23, 1948. Default decree of condemnation and destruction.

**14253. Adulteration of potatoes. U. S. v. 550 Bags, etc. (F. D. C. No. 26090. Sample No. 31281-K.)**

**LIBEL FILED:** November 22, 1948, District of Arizona.

**ALLEGED SHIPMENT:** On or about September 17, 1948, by W. W. & W. T. Newcomb, Inc., from Murtaugh, Idaho.

**PRODUCT:** 550 10-pound bags and 100 100-pound bags of potatoes at Winslow, Ariz.

**LABEL, IN PART:** (Bag) "Idaho U. S. No. 1 Potatoes Packed by Rex D. Mathews Twin Falls, Idaho."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its musty odor and taste, rendering it unpalatable.

**DISPOSITION:** January 6, 1949. Default decree of condemnation and destruction.

#### **TOMATOES AND TOMATO PRODUCTS\***

**14245. Adulteration of canned tomatoes. U. S. v. 345 Cases \* \* \*. (F. D. C. No. 26260. Sample No. 27663-K.)**

**LIBEL FILED:** January 6, 1949, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about September 16, 1948, by the Reeds Spring Canning Co., from Reeds Spring, Mo.

**PRODUCT:** 345 cases, each containing 24 cans, of tomatoes at Paragould, Ark.

**LABEL, IN PART:** "Cheerio Brand Hand Packed Tomatoes, Contents 1 Lb. 3 Oz., Distributed by Cannery Exchange, Inc., Springfield, Mo."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots and fly eggs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 25, 1949. Default decree of condemnation and destruction.

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\*See also Nos. 14103-14106.

**14255. Adulteration and misbranding of canned tomatoes. U. S. v. 441 Cases \* \* \*. (F. D. C. No. 26022. Sample No. 21670-K.)**

**LIBEL FILED:** November 8, 1948, Western District of Oklahoma; amended libel filed November 24, 1948.

**ALLEGED SHIPMENT:** On or about August 10, 1948, by Food Products, Inc., from Rusk, Tex.

**PRODUCT:** 441 cases, each containing 6 6-pounds, 6-ounce cans, of tomatoes at Norman, Okla.

**LABEL, IN PART:** "Rusk Brand Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and its label failed to bear the statement that the product fell below such standard.

**DISPOSITION:** December 29, 1948. Default decree of condemnation and destruction.

**14256. Misbranding of canned tomatoes. U. S. v. 75 Cases \* \* \*. (F. D. C. No. 25998. Sample No. 29515-K.)**

**LIBEL FILED:** November 5, 1948, District of Idaho.

**ALLEGED SHIPMENT:** On or about September 3, 1948, by the Symns Grocer Co., from Salt Lake City, Utah.

**PRODUCT:** 75 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Idaho Falls, Idaho.

**LABEL, IN PART:** "Glenwood Solid Pack Tomatoes \* \* \* Distributed by The Robbins Canning Co., Inc., Salt Lake City, Utah."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes since the drained weight was less than 50 percent of the weight of water required to fill the container, and it was not labeled as substandard as required by the regulation.

**DISPOSITION:** January 28, 1949. Default decree of forfeiture. The product was ordered delivered to a charitable institution.

**14257. Misbranding of tomato catsup. U. S. v. 34 Cases \* \* \*. (F. D. C. No. 25117. Sample No. 28979-K.)**

**LIBEL FILED:** July 26, 1948, District of Idaho.

**ALLEGED SHIPMENT:** On or about November 28, 1947, by the Woods Cross Canning Co., from Clearfield, Utah.

**PRODUCT:** 34 cases, each containing 6 cans, of tomato catsup at Pocatello, Idaho.

**LABEL, IN PART:** "Utah's Favorite Brand Tomato Catsup Net Contents 7 lbs. 12 ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)



**DISPOSITION:** September 7, 1948. The Woods Cross Canning Co., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for relabeling.

**14258. Adulteration of tomato paste. U S. v 99 Cases \* \* \*. (F. D. C. No. 26376. Sample Nos. 32575-K, 32576-K.)**

**LIBEL FILED:** January 10, 1949, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about December 16, 1948, by the G. R. Barth Co., from San Francisco, Calif.

**PRODUCT:** 99 cases, each containing 96 6-ounce cans, of tomato paste at Tampa, Fla.

**LABEL, IN PART:** "Rosalie's Best Fancy California Tomato Paste \* \* \* Packed By Gangi Bros. Packing Co. Santa Clara California."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 8, 1949. Default decree of condemnation and destruction.

**14259. Adulteration of tomato puree. U. S. v. 484 Cases \* \* \*. (F. D. C. No. 26262. Sample No. 42006-K.)**

**LIBEL FILED:** January 13, 1949, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 27, 1948, F. L. Dutton, from Columbus, Ohio.

**PRODUCT:** 484 cases, each containing 6 unlabeled No. 10 cans, of tomato puree at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** March 4, 1949. Default decree of condemnation. The product was ordered delivered to a public institution, for use as animal feed. However, since the institution refused to accept the product, it was destroyed.

**14260. Adulteration of tomato puree. U. S. v. 279 Cases \* \* \*. (F. D. C. No. 26265. Sample No. 45700-K.)**

**LIBEL FILED:** January 5, 1949, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 14, 1948, by the Butterfield Canning Co., from Warren, Ind.

**PRODUCT:** 279 cases, each containing 48 10½-ounce cans, of tomato puree at St. Louis, Mo.

**LABEL, IN PART:** "Butterfield Brand Tomato Puree Packed By Butterfield Canning Co., Muncie, Ind."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 8, 1949. Default decree of condemnation and destruction.

14261. Adulteration of tomato puree. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 26501. Sample No. 44237-K.)

LIBEL FILED: February 7, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 13, 1948, by the Cravens Canning Co., from Acton, Ind.

PRODUCT: 25 cases, each containing 6 6-pound, 6-ounce cans, of tomato puree at Lima, Ohio.

LABEL, IN PART: "Red Chef Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 8, 1949. Default decree of condemnation and destruction.

14262. Adulteration of tomato sauce and misbranding of fruit cocktail and evaporated milk. U. S. v. Libby, McNeill & Libby. Motion to dismiss certain counts denied. Plea of nolo contendere to counts 1, 4, and 7; fine, \$400. Remaining counts dismissed. (F. D. C. No. 21461. Sample Nos. 29516-H, 45459-H, 45478-H, 45528-H, 46640-H.)

INFORMATION FILED: March 11, 1947, Northern District of California, against Libby, McNeill & Libby, a corporation, San Francisco, Calif.

ALLEGED VIOLATIONS: On or about December 14 and 18, 1945, and January 22 and May 4, 1946, the defendant company shipped in interstate commerce quantities of fruit cocktail, evaporated milk, and tomato sauce from the State of California into the States of New York and New Jersey, and the Territories of Puerto Rico and Hawaii. On July 31, 1940, the defendant gave a continuing guaranty to a firm doing business at San Francisco, Calif., which guaranteed that goods supplied to the latter firm would not be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On January 21, 1946, the defendant delivered to the said firm, pursuant to the terms of the guaranty, a quantity of evaporated milk which contained less vitamin D than indicated on the label and which was subsequently shipped by the purchaser from the State of California into the Territory of Hawaii.

LABEL, IN PART: "Libby's [design] Fruit Cocktail In Light Syrup," "Libby's Homogenized \* \* \* Evaporated Milk," or "Libby's [design] Tomato Sauce."

NATURE OF CHARGE: Fruit cocktail. Misbranding, Section 403 (g) (1), (counts 1 and 2) the product failed to conform to the definition and standard of identity for canned fruit cocktail since it contained more than 50 percent by weight of pitted, peeled, and diced peaches, the maximum permitted by the standard, and less than 25 percent by weight of peeled, cored, and diced pears, the minimum permitted by such standard. Further misbranding, Section 403 (h) (1), (count 1) the product failed to conform to the standard of quality for canned fruit cocktail since more than 20 percent by weight of the peach units and more than 20 percent by weight of the pear units in the container were more than  $\frac{3}{4}$  inch in the greatest edge dimension or would pass through



the meshes of the sieve designated as 5/16 inch in the table referred to in the standard, and its label failed to bear the substandard legend. (The standard of identity provides the above tests in order to obtain relative uniformity in size of the units.)

Evaporated milk. Adulteration, Section 402 (b) (1), (counts 3 and 5) a valuable constituent, vitamin D, had been in part omitted and abstracted from the product since it was represented on the label that 16 fluid ounces of the product mixed with an equal volume of water would provide one quart of whole milk containing 400 U. S. P. units of vitamin D, whereas 16 fluid ounces of the product would not provide the stated quantity of vitamin D. Misbranding, Section 403 (a), (counts 4 and 6) the label statement "16 fluid ounces of Libby's Evaporated Milk mixed with an equal volume of water provide one quart of whole milk containing not less than 400 U. S. P. units of Vitamin D" was false and misleading since the product contained less vitamin D than represented.

Tomato sauce. Adulteration, Section 402 (a) (3), (count 7) the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** On April 18, 1947, the defendant made a motion to dismiss counts 3 and 5 of the information on the grounds that these counts failed to charge an offense against the United States. The motion to dismiss was denied on May 27, 1947, with the following order:

*GOODMAN, District Judge:* "Counts 3 and 5 of the Information allege facts constituting adulteration with 21 USCA 342 (b) (1) and are therefore sufficient in stating offenses against the United States. However, since the facts stated in Count 3 are the basis for the charge of misbranding in Count 4, and the facts stated in Count 5 are the basis for the charge of misbranding in Count 6, lawful sentence may be imposed on only one of the first two mentioned counts in the event of conviction on both such counts; and likewise there can be but one sentence imposed on either of Counts 5 and 6 in the event of conviction on both. (Barnes v. U. S. 142 F. 2d 648, 650, 9th Cir.)

"The defendant's Motion to Dismiss counts Three and Five of the Information is therefore denied."

On December 1, 1947, the defendant entered a plea of nolo contendere to count 1, involving the shipment of fruit cocktail to New York; to count 4, involving the charge of misbranding the evaporated milk delivered under the guaranty; and to count 7, involving the shipment of adulterated tomato sauce. Thereupon, the court imposed a fine of \$100 on count 1, \$200 on count 4, and \$100 on count 7, and dismissed counts 2, 3, 5, and 6 of the information.

## NUTS AND NUT PRODUCTS

**14263. Adulteration and misbranding of almonds. U. S. v. 269 Cases \* \* \*.**  
(F. D. C. No. 26276. Sample No. 15259-K.)

**LIBEL FILED:** January 19, 1949, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about December 10, 1948, by the Continental Nut Co., from Chico, Calif.

**PRODUCT:** 269 cases, each containing 24 1-pound packages, of almonds at Chicago, Ill.

**LABEL, IN PART:** "Blue Ribbon California Soft Shell Almonds."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), hard shell almonds had been substituted in whole or in part for soft shell almonds.

Misbranding, Section 403 (a), the label statement "Soft Shell Almonds" was false and misleading as applied to hard shell almonds.

**DISPOSITION:** March 11, 1949. The Continental Nut Co., Chico, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**14264. Adulteration of almonds. U. S. v. 14 Bags \* \* \*. (F. D. C. No. 25919. Sample No. 44494-K.)**

**LIBEL FILED:** November 12, 1948, Eastern District of Tennessee.

**ALLEGED SHIPMENT:** On or about October 1, 1947, from Sacramento, Calif.

**PRODUCT:** 14 25-pound bags of almonds at Chattanooga, Tenn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 20, 1948. Default decree of condemnation. Examination having shown that the product was in part wholesome and fit for food, the court ordered the nuts delivered to a charitable organization, for salvage of the good portion.

**14265. Adulteration of brazil nuts. U. S. v. 5 Bags, etc. (F. D. C. No. 26185. Sample No. 45680-K.)**

**LIBEL FILED:** November 24, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about November 10, 1947, from New Orleans, La.

**PRODUCT:** Brazil nuts. 5 100-pound unlabeled bags, 28 50-pound unlabeled bags, and 15 100-pound labeled bags at St. Louis, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid nuts, and was otherwise unfit for food by reason of empty shells. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 12, 1949. Default decree of condemnation. The product was ordered delivered to charitable institutions.

**14266. Adulteration of brazil nuts. U. S. v. 23 Bags \* \* \*. (F. D. C. No. 25921. Sample No. 2536-K.)**

**LIBEL FILED:** November 12, 1948, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 10, 1947, from New York, N. Y.

**PRODUCT:** 23 100-pound bags of brazil nuts at Charleston, W. Va.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid nuts, and was otherwise unfit for food by reason of the presence of empty shells. It was adulterated while held for sale after shipment in interstate commerce.



**DISPOSITION:** December 29, 1948. Default decree of condemnation. The product was ordered delivered to charitable institutions, for the purpose of salvaging the good portion of the product for their use.

**14267. Adulteration of brazil nuts. U. S. v. 9 Bags \* \* \*. (F. D. C. No. 25997. Sample No. 1124-K.)**

**LIBEL FILED:** On or about November 10, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 30, 1948, by the Red Line Commercial Co., Inc., from New York, N. Y.

**PRODUCT:** 9 50-pound bags of brazil nuts at La Grange, Ga.

**LABEL, IN PART:** "Paramount Brand Extra Large Washed Brazil Nuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid nuts.

**DISPOSITION:** December 10, 1948. Default decree of condemnation. The product was ordered delivered to a Federal penitentiary, for use on the premises, after cracking the nuts and separating the good from the bad.

**14268. Adulteration of shelled cashew nuts and cashew kernels. U. S. v. 7 Tins \* \* \*. (F. D. C. No. 26288. Sample Nos. 6564-K, 6565-K.)**

**LIBEL FILED:** January 17, 1949, Western District of New York.

**ALLEGED SHIPMENT:** On or about September 3, 1948, from Philadelphia, Pa.

**PRODUCT:** 2 25-pound tins of cashew nuts and 5 25-pound tins of cashew kernels at Rochester, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 17, 1949. Default decree of condemnation and destruction.

**14269. Adulteration of chestnuts. U. S. v. 20 Casks \* \* \*. (F. D. C. No. 26108. Sample No. 3560-K.)**

**LIBEL FILED:** November 29, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about November 22, 1948, by Brown & Seigel, from New York, N. Y.

**PRODUCT:** 20 casks, each containing approximately 115 pounds, of chestnuts at Baltimore, Md.

**LABEL, IN PART:** "Products of Italy Chestnuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts.

**DISPOSITION:** January 5, 1949. Default decree of destruction.

**14270. Adulteration of chestnuts. U. S. v. 2 Casks \* \* \*. (F. D. C. No. 25945. Sample No. 46884-K.)**

**LIBEL FILED:** November 18, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about November 2, 1948, by Tamburo Bros., from Baltimore, Md.

PRODUCT: 2 casks, containing approximately 170 pounds, of chestnuts at Rochester, N. Y.

LABEL, IN PART: "Z G Product of Italy Marrons Chestnuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of moldy chestnuts.

DISPOSITION: December 20, 1948. Default decree of condemnation and destruction.

**14271. Adulteration of filberts. U. S. v. 15 Sacks \* \* \*. (F. D. C. No. 26210. Sample No. 40572-K.)**

LIBEL FILED: December 8, 1948, District of Utah.

ALLEGED SHIPMENT: On or about November 26, 1948, by the Hillside Nut Farms, from Forest Grove, Oreg.

PRODUCT: 15 25-pound sacks of filberts at Bountiful, Utah.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of empty shells.

DISPOSITION: January 14, 1949. Default decree of condemnation and destruction.

**14272. Adulteration of peanuts. U. S. v. 400 Bags \* \* \*. (F. D. C. No. 26069. Sample No. 41006-K.)**

LIBEL FILED: November 22, 1948, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about November 5, 1948, by the Pacific Fruit & Produce Co., from Missoula, Mont. This was a return shipment.

PRODUCT: 400 100-pound bags of peanuts at Scotland Neck, N. C.

LABEL, IN PART: "Fancy Hand Picked Peanuts Our Banner Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: December 16, 1948. The Columbian Peanut Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Of the 40,000 pounds seized, 4,817 pounds were denatured for use as animal feed.

**14273. Adulteration of peanuts. U. S. v. 23 Cases \* \* \*. (F. D. C. No. 26267. Sample No. 39990-K.)**

LIBEL FILED: January 7, 1949, Northern District of Indiana.

ALLEGED SHIPMENT: On or about November 23, 1948, by Lik-Em Peanut Co., Inc., from Pittsburgh, Pa.

PRODUCT: 23 cases, each containing 12 1-pound bags of peanuts at Marion, Ind.

LABEL, IN PART: "Lik-Em Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested peanuts, and of a decomposed substance by reason of the presence of moldy peanuts.

DISPOSITION: March 2, 1949. Default decree of condemnation and destruction.



**14274. Adulteration of pecans. U. S. v. 13 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 26193, 26194. Sample Nos. 37386-K, 37893-K.)

**LIBELS FILED:** On or about December 3 and 6, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about August 27, 1948, by the R. E. Funsten Co., from Albany, Ga.

**PRODUCT:** Pecans. 13 cases at Tacoma, Wash., and 48 cases at Seattle, Wash. Each case contained 24 1-pound bags.

**LABEL, IN PART:** "Funsten's Large Blend Paper Shell Pecans."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts.

**DISPOSITION:** December 20, 1948. The R. E. Funsten Co., claimant for the lot seized at Seattle, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law. Subsequent to the entry of the decree, the claimant petitioned for permission to destroy the product. The petition of the claimant was granted, and the product was destroyed under the supervision of the Federal Security Agency. On March 16, 1949, the nuts seized at Tacoma were condemned and destroyed.

**14275. Adulteration of pecans. U. S. v. 45 Bags \* \* \*. (F. D. C. No. 26275 Sample No. 46211-K.)**

**LIBEL FILED:** January 17, 1949, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about December 20, 1948, by the Dothan Seed & Supply Co., from Dothan, Ala.

**PRODUCT:** 45 100-pound bags of pecans at Granite City, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed pecans, and it was otherwise unfit for food by reason of the presence of shriveled pecans.

**DISPOSITION:** February 16, 1949. The Dothan Seed & Supply Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the nuts be shelled and that the unfit portion be destroyed.

**14276. Adulteration of shelled walnuts, shelled pecans, and seedless raisins. U. S. v. 5 Cartons, etc. (F. D. C. No. 25935. Sample Nos. 31743-K to 31745-K, incl.)**

**LIBEL FILED:** November 17, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about August 30, 1948, by the West Coast Supply Co., from Los Angeles, Calif.

**PRODUCT:** 5 25-pound cartons of walnuts, 5 60-pound cartons of pecans, and 50 30-pound cartons of seedless raisins at Wilmington, Calif., consigned to Honolulu, Hawaii.

**LABEL, IN PART:** "Westco Shelled Nuts All-Brite Walnuts," "High Grade Shelled Pecans," or "Westco Brand Midget Thompson Seedless Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects.

DISPOSITION: January 6, 1949. Default decree of condemnation and destruction.

**14277. Adulteration of walnuts. U. S. v. 4 Bags \* \* \*. (F. D. C. No. 26204. Sample No. 6166-K.)**

LIBEL FILED: December 6, 1948, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 1, 1947, from Los Angeles, Calif.

PRODUCT: 4 100-pound bags of walnuts at Washington, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 4, 1949. Default decree of destruction.

**14278. Adulteration of walnuts. U. S. v. 7 Cartons, etc. (F. D. C. No. 26498. Sample Nos. 7909-K to 7912-K, incl.)**

LIBEL FILED: February 3, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 1 and 10, 1946, from Chico, Calif.

PRODUCT: 551 25-pound cartons of walnuts at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy walnut meats, and portions of the product (139 cartons) consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 25, 1949. Default decree of destruction.

**14279. Adulteration of mixed nuts. U. S. v. 96 Cases \* \* \*. (F. D. C. No. 26516. Sample No. 43095-K.)**

LIBEL FILED: February 9, 1949, Western District of Michigan.

ALLEGED SHIPMENT: On or about November 1, 1948, from Chico, Calif.

PRODUCT: 96 cases, each containing 24 1-pound bags, of mixed nuts at Grand Rapids, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts, and of a decomposed substance by reason of the presence of moldy nuts. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 24, 1949. Default decree of condemnation and destruction.

**14280. Adulteration and misbranding of Nut Meat Krunch. U. S. v. 1 Drum \* \* \*. (F. D. C. No. 26036. Sample No. 3732-K.)**

LIBEL FILED: November 17, 1948, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 10, 1948, by Brokay Products, from Philadelphia, Pa.



**PRODUCT:** 1 100-pound drum of Nut Meat Krunch at Portsmouth, Va.

**LABEL, IN PART:** "Brokay Nut Meat Krunch All Purpose Nuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of roasted peanut pieces and roasted soybean pieces, with artificial flavor added, had been substituted for roasted nuts.

Misbranding, Section 403 (a), the name "Nut Meat Krunch" and the statement "All Purpose Nuts" were false and misleading since the article consisted of an artificially flavored mixture of peanuts and soybeans; Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since the presence of soybeans was not declared; and, Section 403 (k), it contained artificial flavoring and failed to bear a label stating that fact.

**DISPOSITION:** December 14, 1948. Default decree of condemnation and destruction.

**14281. Adulteration and misbranding of Nut Meat Krunch. U. S. v. 1 Drum**  
\* \* \*. (F. D. C. No. 26214. Sample No. 23641-K.)

**LIBEL FILED:** December 9, 1948, Middle District of Alabama.

**ALLEGED SHIPMENT:** On or about September 20, 1948, by Brokay Products, from Philadelphia, Pa.

**PRODUCT:** 1 35-pound drum of Nut Meat Krunch at Dothan, Ala.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of roasted peanut pieces and roasted soybean pieces, with artificial flavor, had been substituted in whole or in part for roasted nuts.

Misbranding, Section 403 (a), the name "Nut Meat Krunch" and the statement "All Purpose Nuts" were false and misleading as applied to an article consisting of an artificially flavored mixture of peanuts and soybeans; Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since the presence of soybeans was not declared; and, Section 403 (k), it contained artificial flavoring and failed to bear a label stating that fact.

**DISPOSITION:** January 18, 1949. Default decree of condemnation and destruction.

## OILS AND FATS

**14282. Adulteration and misbranding of Saladola. U. S. v. Lawrence Milgroom (Mercantile Food Products Co.), and Frederick Milgroom (Frederick Lawrence Co.). Pleas of nolo contendere. Each defendant fined \$50. (F. D. C. No. 23208. Sample Nos. 56840-H, 57124-H, 57422-H, 57461-H, 57481-H, 57482-H.)**

**INFORMATION FILED:** April 14, 1948, District of Massachusetts, against Lawrence Milgroom, an individual, trading as the Mercantile Food Products Co., Boston, Mass., and Frederick Milgroom, an individual, trading as the Frederick Lawrence Co., Boston, Mass.

**ALLEGED SHIPMENT:** On or about July 5, 26, and 29, and August 26, 1946, from the State of Massachusetts into the States of Maine, Vermont, and Rhode Island.

**LABEL, IN PART:** "One Pint" [or "One Quart"] Saladola Brand Pure Mineral Oil A Non-Fattening Oil (Certified Food Color Added) For the preparation of non-fattening, non-nutritive, and low calorie Dressings for Salads Packer Mercantile Food Products Co. Boston, Mass."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (4), artificial color had been added to the product so as to make it appear to be salad oil, which is better and of greater value than the product.

Misbranding, Section 403 (a), the designation "Saladola" appearing on the bottle label was false and misleading, in that the designation represented and suggested that the product was salad oil, whereas in fact and in truth the product was not salad oil; Section 403 (a), the product was misbranded, in that the statement "French Dressing" appearing on the bottle label was false and misleading since said statement represented and suggested that french dressing can be made with the article, whereas in fact and in truth french dressing could not be made with the article; Section 403 (a), the statement "For the preparation of non-fattening, non-nutritive and low calorie dressing for salads," together with the directions for use of the article for the preparation of dressings for salad, borne on the bottle label, were misleading in that said statement and directions represented, suggested, and implied that the article was wholesome and suitable for use as a substitute for food oils in the preparation of salads, whereas in fact and in truth the article was colored mineral oil, and its labeling failed to reveal the material fact in the light of said label statement and direction, that the substitution of mineral oil for food oils in the preparation of salads might be harmful and have a deleterious effect.

**DISPOSITION:** December 14, 1948. Pleas of nolo contendere having been entered, each defendant was fined \$50.

**14283. Adulteration and misbranding of salad oil. U. S. v. 22 Cases \* \* \*.**  
(F. D. C. No. 25244. Sample No. 6132-K.)

**LIBEL FILED:** August 5, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about November 13, 1947, by the Roma Packing Co., from Boston, Mass.

**PRODUCT:** 22 cases, each containing 6 cans, of salad oil at Youngstown, Ohio.

**LABEL, IN PART:** "Casa Mia Brand 80% Peanut Oil 20% Imported Olive Oil One Gallon Net."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted; and, Section 402 (b) (4), artificial flavoring had been added to the article and mixed and packed with it so as to make it appear to be, or to contain substantial amounts of, olive oil, which is better and of greater value than a mixture of peanut and cottonseed oils.

Misbranding, Section 403 (a), the label statement "20% Imported Olive Oil" and a picture of a cluster of olives were false and misleading as applied to the article, which contained little, if any, olive oil.

**DISPOSITION:** December 22, 1948. Default decree of condemnation and destruction.



**SPICES, FLAVORS, AND SEASONING MATERIALS**

**14284. Adulteration of chili peppers. U. S. v. 217 Bags \* \* \*. (F. D. C. No. 24980. Sample No. 45707-K.)**

**LIBEL FILED:** June 29, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about March 3, 1947, from San Ysidro, Calif.

**PRODUCT:** 217 150-pound bags of chili peppers at St. Louis, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 13, 1948. Thomas P. Gonzalez, doing business as Gonzalez & Blanco, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was sorted, with the result that 11,135 pounds of the 32,077 pounds seized were found to be unfit.

**14285. Adulteration of chili pepper and chili powder. U. S. v. 7 Barrels, etc. (F. D. C. No. 25186. Sample Nos. 23266-K, 23298-K to 23300-K, incl.)**

**LIBEL FILED:** On or about July 22, 1948, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about December 12 and 30, 1947, and February 20, 1948, from Santa Ana, Calif.

**PRODUCT:** 7 barrels of chili pepper and 3 barrels of chili powder, each containing approximately 230 pounds, at Houston, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 31, 1948. Default decree of condemnation and destruction.

**14286. Adulteration of chili piquins. U. S. v. 18 Sacks \* \* \*. (F. D. C. No. 25269. Sample No. 27957-K.)**

**LIBEL FILED:** August 13, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 16, 1946, from Los Angeles, Calif.

**PRODUCT:** 18 sacks of chili piquins, approximately 950 pounds, at St. Louis, Mo.

**NATURE OF CHARGE:** The article was adulterated while held for sale after shipment in interstate commerce under Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of mold.

**DISPOSITION:** September 8, 1948. Default decree of condemnation and destruction.

**14287. Adulteration of sesame seed. U. S. v. 174 Sacks \* \* \*. (F. D. C. No. 25399. Sample No. 31907-K.)**

**LIBEL FILED:** September 6, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about March 7, 1948, from Managua, Nicaragua.

**PRODUCT:** 174 100-pound sacks of sesame seed at Los Angeles, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 15, 1948. Wm. G. Scarlett & Co., Baltimore, Md., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned by fumigation, sifting, screening, and segregation of the unfit portion. Of the 7,900 pounds seized, 400 pounds were denatured as unfit.

**14288. Adulteration of hulled sesame seed. U. S. v. 4 Bags \* \* \*. (F. D. C. No. 26155. Sample No. 13296-K.)**

**LIBEL FILED:** December 22, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 18, 1948, New York, N. Y.

**PRODUCT:** 4 100-pound bags of hulled sesame seed at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 24, 1949. Default decree of condemnation and destruction.

**14289. Adulteration of sour relish. U. S. v. 10 Barrels \* \* \*. (F. D. C. No. 26222. Sample No. 53083-K.)**

**LIBEL FILED:** December 16, 1948, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about June 15, 1948, from New Orleans, La.

**PRODUCT:** 10 barrels, each containing 45 gallons, of sour relish at Birmingham, Ala.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 24, 1949. Default decree of condemnation and destruction.

## **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE\***

**14290. Misbranding of certain Adolphus vitamin and mineral products and alleged misbranding of Adolphus Concentrated Broth. U. S. v. Adolphus Hohensee. Plea of not guilty. Tried to the jury. Verdict of not guilty as to the Adolphus Concentrated Broth; verdict of guilty as to the remaining products. Fine, \$1,800. (F. D. C. No. 20125. Sample Nos. 31968-H, 31973-H to 31976-H, incl., 31978-H to 31983-H, incl.)**

**INFORMATION FILED:** September 25, 1946, District of Arizona, against Adolphus Hohensee of Scranton, Pa., and Phoenix, Ariz.

**ALLEGED SHIPMENT:** On or about April 2, 1945, from the State of Arizona into the State of California.

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\*See also No. 14163.



**LABEL, IN PART:** "Adolphus Concentrated Broth In Dry Mechanically Pulverized Form."

**NATURE OF CHARGE:** Misbranding, Section 403 (j) (count 1) the Adolphus Concentrated Broth purported to be and was represented for special dietary uses by reason of its vitamin and mineral properties; and its label failed to bear as required by the regulations, a statement of the specific vitamin and mineral properties upon which such special dietary uses were based, a statement of the proportion of the minimum daily requirements for those vitamins and minerals present in the article for which minimum daily requirements had been established, and a statement of the quantity of those vitamins and minerals for which minimum daily requirements had not been established, which were present in a specified quantity of the article.

Further misbranding, Section 403 (a), certain statements in the labeling of the products known as Malt-O-Soy, Improved "B" Complex Tablets, High Potency Vitamin C Tablets, Dicalcium Phosphate and Vitamin D Tablets, Food Supplement Mineral Capsules, Vitamin C Tablets, Pure Soy Bean Lecithin and Vitamin D Capsules, and Pure Virgin Cold Pressed Wheat Germ Oil, were false and misleading.

The misbranding charged under Section 403 (a) was identical with the charges under Section 502 (a), against the same products, as reported in notices of judgment on drugs and devices, No. 2579, in which are quoted portions of the labeling.

**DISPOSITION:** A plea of not guilty having been entered, the case came on for trial before a jury on February 17, 1948. The trial ended on February 20, 1948, with the return by the jury of a verdict of not guilty on count 1 of the information, which related to the Adolphus Concentrated Broth, and a verdict of guilty on the other counts of the information. The court imposed a fine of \$1,800 on March 8, 1948. On the same day, the court denied the defendant's motion for a new trial and arrest of judgment.

**14291. Action to enjoin and restrain the interstate shipment of Paracelsus.**

**U. S. v. American Biochemical Corp. Injunction granted. (Inj. No. 203.)**

**COMPLAINT FILED:** On or about November 18, 1948, Northern District of Ohio, against the American Biochemical Corp., Cleveland, Ohio. The complaint charged that the defendant had been and was continuing to ship in interstate commerce a product known as Paracelsus, which consisted essentially of a mixture of chemical salts and which was adulterated and misbranded in various respects.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, iron and calcium, had been in part omitted from the article.

Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading. The nature of these false and misleading statements are set forth in notices of judgment on drugs and devices, No. 2553.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in the notice of judgment referred to above.

**PRAYER OF COMPLAINT:** That the defendant be restrained and enjoined during the pendency of the action, and permanently, from shipping in interstate commerce an article known as Paracelsus, or under any other name, which was adulterated and misbranded as alleged in the complaint.

DISPOSITION: December 10, 1948. The defendant having consented to the entry of a decree, a permanent injunction was granted enjoining and restraining the defendant from shipping in interstate commerce an article under the trade name Paracelsus, or under any other name, which was adulterated or misbranded as alleged.

**14292. Adulteration and misbranding of Multi-Vitamins. U. S. v. 1 Drum \* \* \* . (F. D. C. No. 26402. Sample No. 12053-K.)**

LIBEL FILED: January 11, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 1, 1948, by Brewer & Co., Inc., from Worcester, Mass.

PRODUCT: 1 drum, containing approximately 7,800 capsules, of Multi-Vitamins at Philadelphia, Pa. The product contained less than 2 milligrams of vitamin B<sub>2</sub>.

LABEL, IN PART: (Drum) "A. B. G. Capsules Each Capsule Contains Vitamins: \* \* \* B<sub>2</sub> (1 MDR) 2 mg."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>2</sub>, had been in whole or in part omitted.

Misbranding, Section 403 (a), the statement "Each Capsule Contains Vitamins \* \* \* B<sub>2</sub> (1 MDR) 2 mg." was false and misleading as applied to an article containing less than 2 milligrams of vitamin B<sub>2</sub>.

DISPOSITION: February 15, 1949. Default decree of condemnation and destruction.

**14293. Misbranding of Lemel. U. S. v. 300 Dozen Packages \* \* \* . (F. D. C. No. 26006. Sample No. 2748-K.)**

LIBEL FILED: November 4, 1948, District of Columbia.

ALLEGED SHIPMENT: On or about October 28, 1948, by the Serutan Co., from Newark, N. J.

PRODUCT: 300 dozen packages of Lemel at Washington, D. C.

LABEL, IN PART: (Package) "Lemel 20 Packets Each Packet Contains Vitamin C Equal to 7 Lemons (Av.) Ingredients: Dextrose, lemon powder, oil of lemon, oil of lime, potassium bitartrate and tartaric acid (from grapes), potassium citrate, ascorbic acid, thiamin hydrochloride, riboflavin, niacin, niacinamide, potassium phosphate, magnesium carbonate, calcium carbonate. Lo-Calory Food Corp., New York, N. Y. Each Lemel Packet Contains: Vitamin C . . . 150 mgs. (5 MDR), Vitamin B<sub>1</sub> . . . 5 mgs. (5 MDR), Riboflavin . . . 2 mgs. (1MDR), Niacin . . . 25 mgs., Niacinamide . . . 25 mgs.\* MDR—Minimum Daily Requirement. \*Mdr not established."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement in the labeling of the article, "To fortify any beverage with \* \* \* Vitamin B complex add 1 Lemel packet per quart," was false and misleading since the article would not supply the various factors of the vitamin B complex.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: December 15, 1948. The Lo-Calory Food Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.



14294. Misbranding of Gotu Kola tablets, Pantomin tablets, Panto-Plus tablets, Ribotabs tablets, Minerals Plus tablets, Everm wheat germ oil capsules, Cetabs tablets, Fero-B-Plex tablets, Kordel tablets, and Niamin tablets. U. S. v. 134 Packages, etc. (and 3 other seizure actions). F. D. C. Nos. 11810, 15807, 15916, 15926. Sample Nos. 49028-F, 28332-H, 28335-H, 28338-H, 28363-H, 28365-H to 28367-H, incl., 28370-H, 28371-H, 28376-H, 28392-H, 28395-H, 28398-H, 29406-H, 29407-H, 24909-H, 29414-H, 29415-H.)

LIBELS FILED: February 22, 1944, and April 16 and May 3 and 4, 1946, Northern District of California, Southern District of Ohio, and Western District of Washington.

ALLEGED SHIPMENT: Between the approximate dates of December 6, 1943, and March 21, 1945, by Lelord Kordel Products and Nutrition Enterprises, from Chicago, Ill.

PRODUCT: 134 packages of Gotu Kola tablets, 73 cartons of Pantomin tablets, 75 cartons of Panto-Plus tablets, 184 cartons of Ribotabs tablets, 404 cartons of Minerals Plus tablets, 209 cartons of Everm wheat germ oil capsules, 61 packages of Cetabs tablets, 411 packages of Fero-B-Plex tablets, 64 packages of Kordel tablets, and 41 packages of Niamin tablets at San Francisco, Calif., Cincinnati, Ohio, and Seattle, Wash.

Analyses disclosed that the Pantomin tablets contained vitamin D and small amounts of calcium salts, and that the Panto-Plus tablets contained yeast, iron, copper sulfate, vitamin B<sub>1</sub>, and a calcium salt. The results of analyses of the other products were essentially the same as the results of analyses set forth in notices of judgment on drugs and devices No. 2580.

NATURE OF CHARGE: Gotu Kola tablets. Misbranding, Section 403 (a), the label statements "The need in human nutrition for *Hydrocotyle Asiatica* is not established" when considered in conjunction with the statement "supplies approximately 75% of the minimum adult daily requirement for iron derived from ferrous sulphate," were false and misleading since they implied that *Hydrocotyle asiatica* (Indian pennywort) has some value in human nutrition, whereas it has no value in human nutrition; and, Section 403 (i), the article was fabricated from two or more ingredients, and its label did not bear the common or usual name for *Hydrocotyle asiatica*, namely, Indian pennywort.

Pantomin tablets. Misbranding, Section 403 (a), the following label statements were misleading since there is no evidence that grayness of hair in human beings is the result of inadequate calcium pantothenate intake: "If no results in darkening premature gray hair are evident in one year, discontinue use \* \* \* Inconclusive evidence indicates that lack of Calcium Pantothenate May be a factor in causing premature gray hair. On the other hand, a consensus of medical opinion is contrary to such indications."

Panto-Plus tablets. Misbranding, Section 403 (a), certain statements in the labeling of the article were misleading since they represented and suggested that the article was of value in restoring the original color to gray hair, whereas the article was of no value for such purpose.

Ribotabs tablets, Minerals Plus tablets, Everm wheat germ oil capsules, Cetabs tablets, Fero-B-Plex tablets, Kordel tablets, and Niamin tablets. Misbranding Section 403 (a), the labeling of these articles bore false and misleading statements which were similar to the statements borne in the labeling of the products involved in notices of judgment on drugs and devices, No. 2580.

The articles referred to in this paragraph, together with the Gotu Kola tablets, alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2581.

DISPOSITION: April 6, 1944, and August 11 and September 7, 1945. Default decrees of condemnation and destruction.

**14295. Adulteration of Nestle's Food. U. S. v. 3 Cases \* \* \*. (F. D. C. No. 25929. Sample No. 23839-K.)**

LIBEL FILED: November 15, 1948, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 9, 1948, by the Nestle Co., Inc., from Marysville, Ohio.

PRODUCT: 3 cases, each containing 12 3-pound cans, of Nestle's Food at Baton Rouge, La.

LABEL, IN PART: "Nestle's Food A Sustaining Nutriment For Infants, Children and Convalescents Net Weight Three Pounds."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts.

DISPOSITION: January 8, 1949. Default decree of condemnation and destruction.

### MISCELLANEOUS FOODS

**14296. Adulteration and misbranding of chop suey. U. S. v. 68 Cases \* \* \*. (F. D. C. No. 22189. Sample No. 57673-H.)**

LIBEL FILED: January 16, 1947, District of Maine.

ALLEGED SHIPMENT: On or about October 17 and November 5, 1946, by the Som Won Co., from Danvers, Mass.

PRODUCT: 68 cases, each containing 24 1-pound jars, of chop suey at Portland, Maine.

LABEL, IN PART: (Jars) "My Favorite Brand Chicken Chop Suey De Luxe."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, chicken, had been in part omitted from the product.

Misbranding, Section 403 (a), the label "Chicken Chop Suey" was false and misleading as applied to the product which contained only about 1 percent of chicken.

DISPOSITION: December 31, 1948. Default decree of condemnation. The product was ordered delivered to a public institution.

**14297. Adulteration of meringue powder. U. S. v. 1 Drum \* \* \*. (F. D. C. No. 26074. Sample No. 40304-K.)**

LIBEL FILED: November 17, 1948, District of Maryland.

ALLEGED SHIPMENT: On or about September 1, 1948, by Brokay Products, from Philadelphia, Pa.

PRODUCT: 1 130-pound drum of meringue powder at Baltimore, Md.

LABEL, IN PART: "Milk-White Meringue For Pies, Tarts, and Lady-Locks."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 21, 1948. Default decree of condemnation and destruction.

**14298. Adulteration and misbranding of Colgin skipper compound. U. S. v. 35 Cases \* \* \*. (F. D. C. No. 25553. Sample No. 40141-K.)**

**LIBEL FILED:** September 14, 1948, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about August 9, 1946, by the Richard Colgin Co., from Dallas, Tex.

**PRODUCT:** 35 cases, each containing 24 12-ounce cans, of Colgin skipper compound at Rocky Mount, N. C.

**LABEL, IN PART:** "Colgin Skipper Compound Protects Home-Cured Meats from Skippers, Beetles and other Insects."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the product contained an added poisonous and deleterious substance, borax, which may have rendered it injurious to health.

Misbranding, Section 403 (a), the label statements "Skipper Compound Protects Home-Cured Meats from Skippers, Beetles and other Insects \* \* \* Contents of can will treat 600 Lbs. of cured meat \* \* \* Sprinkle Colgin Skipper Compound to cover all surfaces of meat" were misleading since they represented and suggested that the article might safely be used, whereas it would be potentially dangerous to the health of the consumer.

**DISPOSITION:** December 30, 1948. Default decree of condemnation and destruction.

**14299. Adulteration and misbranding of coal-tar color. U. S. v. 7 Pounds \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 24867 to 24869, incl. Sample Nos. 9167-K, 9170-K, 9173-K, 9178-K.)**

**LIBELS FILED:** June 2 and 14, 1948, Eastern and Southern Districts of New York and District of New Jersey.

**ALLEGED SHIPMENT:** On or about January 21 and 29 and February 4 and 27, 1948, by Bates Chemical Co., Inc., from Lansdowne, Pa.

**PRODUCT:** Coal-tar color. 7 pounds in a can and 4 25-pound cans at New York, N. Y., and 4 5-pound cans at Newark, N. J.

**LABEL, IN PART:** "FD&C Yellow #5 Tartrazine 25 lb. Lot #D-2213," "Net 25 lb. Contents FD&C Yellow #5 (Tartrazine) Lot No. D-3062 [or "D-2750"]," and "Net Weight Five Pounds FD&C Yellow #5 Certified Lot No. D-2213."

**NATURE OF CHARGE:** Adulteration, Section 402 (c), the product contained a coal-tar color other than one from a batch that had been certified.

Misbranding, Section 403 (a), the statements "For use in coloring foods \* \* \* Certified Color \* \* \* Certified Lot #D-2213," "Lot No. D-3062 \* \* \* Certified Dye \* \* \* Certified Food Colors," "Lot No. D-2750 \* \* \* Certified Dye \* \* \* Certified Food Color," and "Lot No.

D-2213 \* \* \* This Certified Dye \* \* \* Certified Food Colors" were false and misleading as applied to an article that is not a certified coal-tar color.

DISPOSITION: June 22, July 28, and November 29, 1948. Default decree of condemnation and destruction.

14300. Adulteration of coal-tar colors. U. S. v. 2 Packages \* \* \*. (F. D. C. No. 26107. Sample Nos. 525-K, 526-K.)

LIBEL FILED: On or about December 7, 1948, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 25, 1948, by American Aniline Products, Inc., from Chicago, Ill.

PRODUCT: 2 5-pound packages of coal-tar colors at Atlanta, Ga.

LABEL, IN PART: "American Aniline Products Inc. Oil Yellow #1 [or "Oil Soluble Red 3B"]."

NATURE OF CHARGE: Adulteration, Section 402 (c), the products contained coal-tar colors other than ones from batches that had been certified.

DISPOSITION: January 6, 1949. Default decree of condemnation and destruction.



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<sup>2</sup> (14189, 14197) Seizure contested. Contains opinion of the court.<sup>3</sup> (14290) Prosecution contested.<sup>4</sup> (14262) Prosecution contested. Contains order of the court.<sup>5</sup> (14291) Permanent injunction issued.



## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

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American Aniline Products, Inc.:		Capitol Candy Co.:	
coal-tar colors-----	14300	candy-----	14159
American Biochemical Corp.:		Capitol Candy & Cookie Co.:	
Paracelsus-----	<sup>5</sup> 14291	vanilla wafers-----	14108
American Dietaids Co., Inc.:		Case-Swayne Co., Inc.:	
Chocolate Flavored Assortment,		canned peaches-----	14222
Sweetlow Wafers, chocolate-		Chiodo Candy Co.:	
flavored pudding, gelatin des-		peanut brittle-----	14162
serts, Diet Delights, French		Christians, H. C., Co.:	
Style Bon Bons-----	14163	butter-----	14186
American State Bank:		Cohen, Louis, Food Products, Inc.:	
canned black-eyed peas-----	14244	dried whole peas-----	14245
Arrow Dairy Co.:		Colgin, Richard, Co.:	
frozen eggs-----	14195	Colgin skipper compound-----	14298
Associated Foods, Inc.:		Confectioners, Inc.:	
candy-----	14158	popcorn, butter-flavored-----	14166
Barth, G. R., Co.:		Connecticut Pop Corn Mfg. Co.:	
tomato paste-----	14258	popcorn confection-----	14165
Bateman Frozen Foods Co.:		Continental Nut Co.:	
frozen strawberries-----	14230	almonds-----	14263
Bates Chemical Co., Inc.:		Cool Spring Canning Co.:	
coal-tar color-----	14299	canned cream style corn-----	14240
Blackington & Son Canning Co.:		Cravens Canning Co.:	
canned cherries-----	14216	tomato puree-----	14261
Bonded Service Warehouse:		Crouch Creamery:	
flour and popcorn-----	14136	butter-----	14176
Bowser Sales & Trading Corp.:		Cuba Cheese & Trading Co., Inc.:	
butter-----	<sup>1</sup> 14169	Cheddar cheese-----	14193
Brakeley Food Products Co.:		Cudahy Packing Co.:	
tomato juice-----	14103, 14104	butter-----	14174
Brewer & Co., Inc.:		Delta Canning Co.:	
Multi-Vitamins-----	14292	canned garbanzos (chick-	
Brokay Products:		peas) -----	14243
meringue powder-----	14297	Dothan Seed & Supply Co.:	
Nut Meat Krunch-----	14280, 14281	pecans -----	14275
Brooks & Bly Co.:		Dutton, F. L.:	
celery-----	14239	tomato puree-----	14259
Broughton's Farm Dairy, Inc.:		Ebling Brewing Co., Inc.:	
chocolate coating-----	14167	beer-----	14101
Brown & Seigel:		Eugene Fruit Growers Assoc.:	
chestnuts-----	14269	canned cherries-----	14214
Butterfield Canning Co.:		Evans, W. G.:	
tomato puree-----	14260	crab meat-----	14205

<sup>1</sup> (14169) Seizure contested. Contains opinions of the courts.<sup>5</sup> (14291) Permanent injunction issued.

	N. J. No.		N. J. No.
Exira Creamery Co.:		Hohensee, Adolphus:	
butter-----	14179	Adolphus vitamin and mineral	
Fair View Packing Co., Inc.:		products and Adolphus Con-	
canned apricots-----	14212	centrated Broth-----	<sup>3</sup> 14290
Fairmont Foods Co.:		Hot Springs Candy Co.:	
butter-----	14183	candy-----	14160
Farmers Creamery Co.:		Hunt, P. K., & Son:	
butter-----	14180	crab meat-----	14204
First National Stores, Inc.:		Independent Warehouse:	
butter-----	14170	yellow split peas-----	14248
Fisher Dairy & Cheese Co.:		J. & M. Trading Co.:	
butter-----	14187	canned apples-----	14211
Food Products, Inc.:		Joyner, H. L.:	
canned tomatoes-----	14255	canned peas-----	14249
Fordville Creamery Co.:		Kenny, C. D., Division, Con-	
butter-----	14186	solidated Grocers Corp.:	
Frederick Lawrence Co. <i>See</i>		canned peas-----	14250
Milgroom, Frederick.		Kordel, Lelord, Products:	
Friel, S. E. W.:		Gotu Kola tablets, Pantomin	
tomato juice-----	14105, 14106	tablets, Panto-Plus tablets,	
Funsten, R. E., Co.:		Ribotabs tablets, Minerals	
pecans-----	14274	Plus tablets, Everm wheat	
Gallaway Milling Co.:		germ oil capsules, Cetabs	
flour-----	14122	tablets, Fero-B-Plex tablets,	
Gangi Bros. Packing Co.:		Kordel tablets and Niamin	
tomato paste-----	14258	tablets-----	14294
Garden State Canning Co.:		Kozloff, J., Fish Co.:	
tomato juice-----	14103, 14104	tullibeas and ciscoes-----	<sup>2</sup> 14197
Garrett County Coop., Inc.:		Kramer, J. R.:	
canned peas-----	14250	butter ----	14172, 14179, 14180, 14185
Gem Creamery:		Kurtz Bros. Corp.:	
butter-----	14188	noodles-----	14140
Genoa Fisheries, Inc.:		La Rosa, V., & Sons, Inc.:	
frozen perch fillets-----	14198	macaroni and spaghetti-----	14138
Gordon Foods, Inc.:		Ladoga Canning Co.:	
banana-marshmallow cookies_	14107	canned Mexican style beans--	14237
Hanneken Dairy Co.:		Land O' Hills Creamery:	
butter-----	14177	butter-----	14169
Harwood, J.:		Latonia Springs Dairy:	
ciscoes-----	14197	butter-----	14177
Hershey Packing Co.:		Leonard, I. L., & Co.:	
frozen strawberries-----	14232	oysters-----	14209
Hillman Cooperative Creamery		Libby, McNeill & Libby:	
Assoc.:		tomato sauce, fruit cocktail,	
butter-----	14184	and evaporated milk-----	<sup>4</sup> 14262
Hillside Nut Farms:			
filberts-----	14271		

<sup>2</sup> (14189, 14197) Seizure contested. Contains opinion of the court.

<sup>3</sup> (14290) Prosecution contested.

<sup>4</sup> (14262) Prosecution contested. Contains order of the court.



	N. J. No.		N. J. No.
Lik-Em Peanut Co., Inc.:		Peters, F. A.:	
peanuts -----	14273	apples -----	14226
Lo-Calory Food Corp.:		Phillip-Barr & Co.:	
Lemel -----	14293	canned apricots -----	14212
Lone Star International Foods:		Phillips Packing Co., Inc.:	
canned crushed pineapple ----	14223	canned peas -----	14249
Luverne Cooperative Creamery		Pick-A-Way Dairy Corp.:	
Assoc.:		cheese -----	14192
butter -----	14173	Pictsweet Foods, Inc.:	
McGee, W. H., & Co.:		frozen strawberries -----	14231
oysters -----	14208	Plunkett-Jarrell Grocery Co.:	
Manhattan Bakery:		flour -----	14125
rye flour -----	14134	Pollman, Sam, Produce Co.:	
Mathews, R. D.:		frozen whole eggs -----	14196
potatoes -----	14253	Providence Sea Food Co.:	
Medford Cooperative Creamery		frozen lobster meat -----	14206
Assoc.:		Quaker City Flour Mills:	
butter -----	14183	Matzoh flour -----	14132
Mercantile Food Products Co.		Randalia Mutual Creamery	
See Milgroom, Lawrence.		Assoc.:	
Merchants Creamery Co.:		butter -----	14181, 14182
butter -----	14177	Randolph Creamery:	
Milden & White:		butter -----	14178
frozen lobster meat -----	14206	Red Line Commercial Co., Inc.:	
Milgroom, Frederick, and Law-		brazil nuts -----	14267
rence:		Reeds Spring Canning Co.:	
Saladola -----	14282	canned tomatoes -----	14254
Miller, S., & Son:		Ringhausen, Edw.:	
hominy grits -----	14145	apples -----	14227
Nestle Co., Inc.:		Roanoke Apple Products Co.:	
Nestle's Food -----	14295	apple butter -----	14233
Newcomb, W. W. & W. T., Inc.:		Robbins Canning Co., Inc.:	
potatoes -----	14253	canned tomatoes -----	14256
Nicoletti, Leonard:		Roma Packing Co.:	
goat cheese -----	14194	salad oil -----	14283
Num Num Foods, Inc.:		Sanitary Dairy:	
pretzels -----	14109	butter -----	14185
Nutrition Enterprises:		Schultz, Baujan & Co.:	
Gotu Kola tablets, Pantomin		corn meal -----	14111
tablets, Panto-Plus tablets,		Schuster, A. & B., Co.:	
Ribotabs tablets, Minerals		flour -----	14116
Plus tablets, Everm wheat		Scoblick Bros.:	
germ oil capsules, Cetabs tab-		fresh huckleberries -----	14228
lets, Fero-B-Plex tablets,		Serutan Co.:	
Kordel tablets, and Niamin		Lemel -----	14293
tablets -----	14294	Schrager, S., & Son:	
Ozark Packing Co.:		rice -----	14151
canned black-eyed peas -----	14244	Sinclair Seafoods:	
mustard greens -----	14242	crab meat -----	14202, 14203
Pacific Fruit & Produce Co.:		Som Won Co.:	
peanuts -----	14272	chop suey -----	14296

	N. J. No.		N. J. No.
Spielvogel, Joseph:		Washington Idaho Seed Co.:	
candy-----	14158	dried whole peas-----	14245
Streator Canning Co.:		West Coast Supply Co.:	
canned cream style corn-----	14241	shelled walnuts, shelled pe-	
Stuart Creamery Co.:		cans, and seedless raisins--	14276
butter-----	14171	Western Oregon Packing Corp.:	
Summe & Ratermann Co., Inc.:		canned cherries-----	14217
butter-----	14177	Whole-Sum Products Co.:	
Swift & Co.:		candy-----	14164
butter-----	14175, 14190	Wickersham, Solomon, Co.:	
Symns Grocer Co.:		flour-----	14130
canned tomatoes-----	14256	Wizelman, Morris:	
Tamburo Bros.:		candy-----	14158
chestnuts-----	14270	Wolf Milling Co. of Neosho:	
Thomas & Howard Co.:		enriched phosphated flour----	14137
flour-----	14127	Won, Som, Co.:	
Timme Brothers, Inc.:		chop suey-----	14296
corn meal-----	14112	Wood, Wade, Milling Co.:	
Tom's Cove Oyster Co.:		corn meal-----	14113
oysters-----	14207	Woods Cross Canning Co.:	
Trauth, Louis, Dairy:		tomato catsup-----	14257
butter-----	14177	Worthington Creamery & Pro-	
Traverse City Canning Co.:		duce:	
canned cherries-----	14215	butter-----	14170
Trinidad Creamery Co.:		Wright & Wagner Dairy Co.:	
butter----- <sup>2</sup>	14189	hot chocolate powder-----	14168
Umpqua Dairy Products Co.:		Wyndmere Creamery:	
butter-----	14188	butter-----	14172
Waldbaum, S. & W., Inc.:		York River Seafood Co.:	
butter-----	14173	crab meat-----	14200, 14201
		Zenith Godley Co., Inc.:	
		butter-----	14171

<sup>2</sup> (14189, 14197) Seizure contested. Contains opinion of the court.







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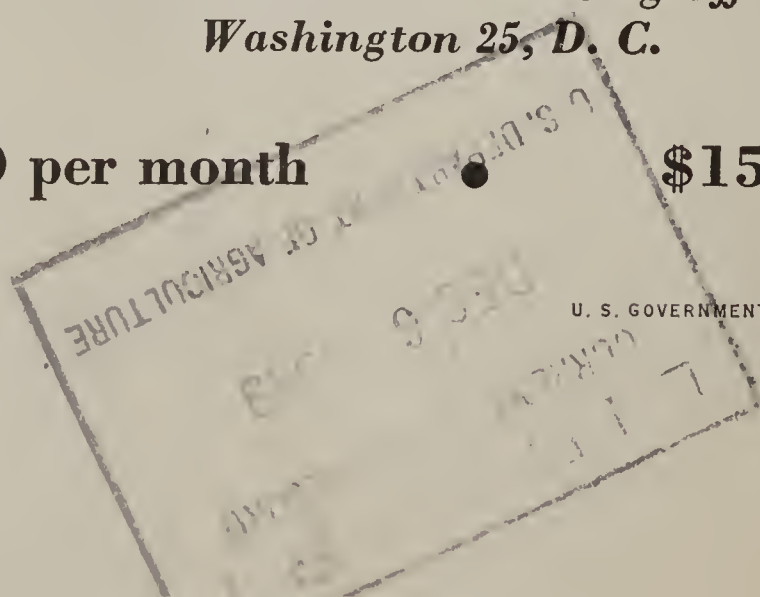
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**FEDERAL SECURITY AGENCY****FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

14301-14500

**FOODS**

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING. *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *June 16, 1949.*

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**BEVERAGES AND BEVERAGE MATERIALS**

**14301. Adulteration of wine. U. S. v. 65 Cases, etc. (and 1 other seizure action).**  
(F. D. C. No. 22733. Sample Nos. 91033-H, 91203-H.)

**LIBELS FILED:** March 28, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about February 24, 1947, by the Monte Carlo Wine Co., from New Brunswick, N. J.

**PRODUCT:** 65 cases, each containing 24 1-pint bottles, and 63 cases, each containing 12 fifth-gallon bottles, of blackberry wine, and 315 gallons of American port wine, in a storage tank at New York, N. Y. The wine had been received in bulk, and a portion had been bottled by the consignee.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice. (Analysis showed that the product contained monochloroacetic acid in amounts ranging from 245 to 250 parts per million.)

**DISPOSITION:** October 22, 1947. Default decrees of condemnation and destruction.

**14302. Adulteration of pineapple juice. U. S. v. 78 Cases \* \* \*. F. D. C. No. 25439. Sample No. 37846-K.)**

**LIBEL FILED:** September 3, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about April 12, 1948, by the Lone Star Food Freezer, from San Carlos, Tex.

**PRODUCT:** 78 cases, each containing 24 1-pint, 2-ounce cans, of pineapple juice at Seattle, Wash.

**LABEL, IN PART:** "Miller's Lone Star Brand Sweetened Pineapple Juice \* \* \* Miller Bros. Foods Co., Edinburg, Texas."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed pineapple material.

**DISPOSITION:** March 14, 1949. Default decree of condemnation and destruction.

**14303. Adulteration of blended pineapple and grapefruit juice. U. S. v. 398 Cases \* \* \*. (F. D. C. 26109. Sample No. 10112-K.)**

**LIBEL FILED:** December 2, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about August 14 and 21, 1948, by Bruce's Juices, Inc., from Tampa, Fla.

**PRODUCT:** 398 cases, each containing 12 1-quart, 14-ounce cans, of blended pineapple and grapefruit juice at Brooklyn, New York.

**LABEL, IN PART:** "Bruce's Juices Blended Pineapple and Grapefruit Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fruit material.

**DISPOSITION:** March 23, 1949. The sole intervener having failed to file an answer to the libel, default was noted and judgment of condemnation and destruction was entered.

**14304. Adulteration of tomato juice. U. S. v. 280 Cases \* \* \*. (F. D. C. No. 26944. Sample No. 13104-K.)**

**LIBEL FILED:** March 22, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about January 29, 1949, by American Stores Co., Inc., from Hurlock, Md.

**PRODUCT:** 280 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Tomato Juice Rob-ford Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** April 19, 1949. Default decree of condemnation and destruction.



**CEREALS AND CEREAL PRODUCTS****BAKERY PRODUCTS**

**14305. Adulteration of bread and buns. U. S. v. Sweetheart Bakery Co. Plea of of guilty; fine, \$800. (F. D. C. No. 24775. Sample Nos. 24467-K, 24472-K, 24474-K, 24475-K.)**

**INFORMATION FILED:** June 7, 1948, District of North Dakota, against the Sweetheart Bakery Co., a corporation, Fargo, N. Dak.

**ALLEGED SHIPMENT:** On or about January 31, 1948, from the State of North Dakota into the State of Minnesota.

**LABEL, IN PART:** "Dow-a-nized \* \* \* Sweetheart Bread," "Sweetheart Bread Cracked Wheat," "Sweetheart Potato Bread," or "Sweetheart Family Buns."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, and feather barbules; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** December 15, 1948. A plea of guilty having been entered on behalf of the defendant, a fine of \$200 was imposed on each of four counts.

**14306. Adulteration of bread and rolls. U. S. v. Hellenic Baking Co., Inc., and William P. Vican. Pleas of guilty. Fine of \$3,000 against company; individual defendant placed on probation for 1 year. (F. D. C. No. 26319. Sample Nos. 4761-K to 4764-K, incl., 5313-K, 5314-K.)**

**INFORMATION FILED:** February 3, 1949, District of Rhode Island, against Hellenic Baking Co., Inc., Providence, R. I., and William P. Vican, assistant treasurer and general manager.

**ALLEGED SHIPMENT:** On or about February 13 and September 28, 1948, from the State of Rhode Island into the State of Massachusetts.

**LABEL, IN PART:** (Portion) "Little Rhody Rye."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** February 7, 1949. Pleas of guilty having been entered, the court imposed a fine of \$3,000 against the corporation and placed the individual defendant on probation for 1 year.

**14307. Adulteration of bread. U. S. v. Midwest Bakery & Macaroni Co., Joseph Filardo, and Joe Cusamano. Pleas of guilty. Fine, \$225 and costs. (F. D. C. No. 26293. Sample Nos. 21941-K to 21946-K, incl.)**

**INFORMATION FILED:** December 1, 1948, Western district of Missouri, against the Midwest Bakery & Macaroni Co., a corporation, Kansas City, Mo., Joseph Filardo, president, and Joe Cusamano, vice president.

**ALLEGED SHIPMENT:** On or about September 20 and 21, 1948, from the State of Missouri into the State of Kansas.

**LABEL, IN PART:** "Roma Bakery Italian [or "Pumpernickel"] Bread" or "Roma Round Bread."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect parts, rodent hairs, and a cat hair; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 17, 1948. Pleas of guilty having been entered, a fine of \$225 and costs was imposed jointly against the defendants.

**14308. Adulteration of bread. U. S. v. Vitamelk Bread, Inc., and Louis E. Bayer.** Plea of not guilty. Tried to the jury. Verdict of guilty. Corporation fined \$1,000; Louis E. Bayer fined \$500 on count 1, with imposition of sentence suspended on last 2 counts and probation for 5 years. (F. D. C. No. 24782. Sample Nos. 22617-K, 22640-K, 22763-K.)

**INFORMATION FILED:** July 16, 1948, Western District of Louisiana, against Vitamelk Bread, Inc., Shreveport, La., and Louis E. Bayer, vice president and manager.

**ALLEGED SHIPMENT:** On or about November 14 and December 29, 1947, from the State of Louisiana into the State of Texas.

**LABEL, IN PART:** "Vitamelk White Bread," "Vitamelk Wheat Bread," or "Vitamelk Enriched White Buns."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of larvae, insect parts, rodent hair fragments, and beetles; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** March 4, 1949. Pleas of not guilty having been entered, the case was tried before a jury on February 23 and 24, 1949. A verdict of guilty as charged was returned on February 24, 1949, and sentencing was deferred until March 4, 1949. Vitamelk Bread, Inc., was fined \$1,000; Louis E. Bayer was fined \$500 on the first count, imposition of sentence on the last two counts was suspended, and he was placed on probation for 5 years.

**14309. Adulteration of bread. U. S. v. General Baking Co. Plea of guilty. Fine, \$1,500.** (F. D. C. No. 26346. Sample Nos. 45762-K, 45764-K, 45765-K, 45767-K to 45769-K, incl.)

**INFORMATION FILED:** February 28, 1949, Eastern District of Missouri, against the General Baking Co., a corporation, St. Louis, Mo.

**ALLEGED SHIPMENT:** On or about October 28 and 29, 1948, from the State of Missouri into the State of Illinois.

**LABEL, IN PART:** "Homogenized Bond Vitamin-Enriched" or "Bond Club Rye Bread."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 15, 1949. A plea of guilty having been entered, the court imposed a fine of \$1,500.



**14310. Adulteration of Bread. U. S. v. Colonial Baking Co. of St. Louis. Plea of nolo contendere. Fine, \$101. (F. D. C. No. 26324. Sample Nos. 45737-K to 45739-K, incl., 45781-K.)**

**INFORMATION FILED:** February 7, 1949, Eastern District of Missouri, against the Colonial Baking Co. of St. Louis, a corporation, St. Louis, Mo.

**ALLEGED SHIPMENT:** On or about October 19, 1948, from the State of Missouri into the State of Illinois.

**LABEL, IN PART:** "Enriched Colonial" or "Colonial."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 23, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$101.

**14311. Adulteration of bread. U. S. v. The Great Atlantic & Pacific Tea Co. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 26331. Sample Nos. 45632-K, 45633-K.)**

**INFORMATION FILED:** February 17, 1949, Eastern District of Missouri, against the Great Atlantic & Pacific Tea Co., a corporation, St. Louis, Mo.

**ALLEGED SHIPMENT:** On or about October 20, 1948, from the State of Missouri into the State of Illinois.

**LABEL, IN PART:** "Marvel Bread Sour Type Rye" or "Marvel Bread Sliced Old Fashioned Rye."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect parts, rodent hair fragments, and feather fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 17, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000.

**14312. Adulteration and misbranding of bread. U. S. v. Stephan Baking Co., Inc., and Ludwig A. Stephan. Pleas of nolo contendere. Corporation fined \$492; individual fined \$8. (F. D. C. No. 24771. Sample Nos. 36123-K, 36125-K, 36126-K, 36133-K.)**

**INFORMATION FILED:** May 24, 1948, District of Idaho, against Stephan Baking Co., Inc., Boise, Idaho, and Ludwig A. Stephan, president and manager.

**ALLEGED SHIPMENT:** On or about October 8 and 13 and November 10, 1947, from the State of Idaho into the State of Oregon.

**LABEL, IN PART:** "Stephan's Butter-Nut 100% Whole Wheat" or "Butter-Nut White Sliced \* \* \* 1½ Lbs. or over."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth. Further adulteration (whole wheat bread), Section 402 (b) (1), a valuable constituent, whole wheat flour, had been in part omitted; Section 402 (b)



(2), white flour had been substituted in part for whole wheat flour; and, Section 402 (b) (4), artificial color, caramel, had been added to the product or mixed or packed with it so as to make it appear better and of greater value than it was.

Misbranding (whole wheat bread), Section 403 (a), the label statement "100% Whole Wheat" was false and misleading since the product was made in part from white flour. Further misbranding (white bread), Section 403 (e) (2); the product failed to bear a label containing an accurate statement of the quantity of the contents since the wrappers bore the statement "1½ Lbs. or over," whereas the loaves of bread weighed less than one and one-half pounds.

**DISPOSITION:** September 7, 1948. Pleas of nolo contendere having been entered, the corporation was fined \$99 on each of the 4 counts charging adulteration, and \$24 on each of the counts charging misbranding, a total of \$492, and Ludwig A. Stephan was fined \$1 on each of the 8 counts.

**14313. Adulteration and misbranding of bread. U. S. v. Langendorf United Bakeries, Inc. (Homestead Bakery). Plea of nolo contendere. Fine, \$2,850. (F. D. C. No. 24829. Sample Nos. 46432-H, 75258-H, 75267-H, 75780-H, 75782-H, 75864-H.)**

**INFORMATION FILED:** September 4, 1948, Northern District of California, against Langendorf United Bakeries, Inc., trading as Homestead Bakery, San Francisco, Calif.

**ALLEGED SHIPMENT:** On or about June 12 and 19 and August 21 and 25, 1947, from the State of California into the State of Nevada.

**LABEL, IN PART:** "Butter-Nut Vitamin Enriched Sliced White Bread 1 Lb. 5.6 Oz.," "Sliced Holsum White, Vitamin Enriched 14.4 Oz.," "Homestead Butter-Nut White More Delicious Because it's made only with pure Butter Vitamin Enriched 14.4 Oz.," and "Holsum 100% Whole Wheat Bread 14.4 Oz."

**NATURE OF CHARGE:** Adulteration (3 shipments), Section 402 (b) (1), valuable constituents had been in part omitted from the products. Vitamin B<sub>1</sub> and iron had been in part omitted from the product in one of the shipments and vitamin B<sub>1</sub>, riboflavin, niacin, and iron had been in part omitted from the product in two of the shipments.

Misbranding (3 shipments), Section 403 (a), the label statements "One-half pound of this bread supplies you with at least the following amounts or percentages of your minimum daily requirement for these essential food substances: Thiamin (Vitamin B<sub>1</sub>) 55%, Riboflavin (Vitamin B<sub>2</sub>) 17.5%, Niacin (Another "B" Vitamin) 5 milligrams, Iron 40%" were false and misleading since the product in all three shipments was deficient in vitamin B<sub>1</sub> and iron and the product in two of the shipments was also deficient in riboflavin and niacin. Section 403 (e) (2), the labels of the product in certain shipments failed to bear an accurate statement of the quantity of the contents since the packages contained less than 1 pound, 5.6 ounces of bread, the weight declared on the labels.

Further misbranding, Section 403 (a), the label statement "More delicious because it's made only with pure Butter," borne on the label of the product in one of the shipments, was false and misleading since butter was not the sole shortening agent; and, Section 403 (k), the product in one of the shipments contained a chemical preservative, a propionic acid derivative, and failed to bear labeling stating that fact.



**DISPOSITION:** December 16, 1948. A plea of nolo contendere was entered on behalf of the defendant, and a fine of \$2,850 was imposed.

**14314. Misbranding of bread. U. S. v. Purity Baking Co. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 24799. Sample No. 28142-K.)**

**INFORMATION FILED:** July 9, 1948, Western District of Texas, against the Purity Baking Co., a corporation, El Paso, Tex.

**ALLEGED SHIPMENT:** On or about December 3, 1947, from the State of Texas into the State of New Mexico.

**LABEL, IN PART:** "Purity's 1½ Pounds Pullman Enriched!" or "Purity's 1 Pound Thin Sliced Enriched."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The label statements "1 Pound" and "1½ Pounds" were false and misleading since the packages contained less than 1 pound and 1½ pounds, respectively.

**DISPOSITION:** January 26, 1949. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$150.

**14315. Adulteration of coffee cake and bread. U. S. v. Weintraub Baking Co., Inc., and Louis J. Weintraub. Pleas of guilty. Fine of \$1,200 and costs against the defendants, jointly. (F. D. C. No. 26320. Sample Nos. 21975-K to 21979-K, incl., 21983-K.)**

**INFORMATION FILED:** February 10, 1949, Western District of Missouri, against the Weintraub Baking Co., Inc., Kansas City, Mo., and Louis J. Weintraub, president and general manager.

**ALLEGED SHIPMENT:** On or about October 19 and 20, 1948, from the State of Missouri into the State of Kansas.

**LABEL, IN PART:** "Mrs. Weintraub's Coffee Cake," "All Star \* \* \* Pumpernickel Rye," "Old Fashioned Pumpernickel Bread," and "Italian Bread."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may become contaminated with filth.

**DISPOSITION:** February 18, 1949. Pleas of guilty having been entered, the court imposed a fine of \$1,200 and costs against the defendants, jointly.

**14316. Adulteration of canned fruit cake. U. S. v. 30 Cases, etc. (F. D. C. No. 26821. Sample No. 55165-K.)**

**LIBEL FILED:** March 7, 1949, Northern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about April 12, 1945, by the Southern Maid Bakeries, from Waco, Tex.

**PRODUCT:** 30 cases, each containing 12 2-pound cans, and 25 cases, each containing 24 1-pound cans, of fruit cake at Tulsa, Okla.

**LABEL, IN PART:** "Texas Pride Fruit Cake."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its being charred and rancid.

**DISPOSITION:** March 28, 1949. Default decree of condemnation and destruction.



**14317. Adulteration of cookies. U. S. v. Deer Park Baking Co., Inc., and Robert M. Wade. Pleas of nolo contendere. Corporation fined \$500 and costs; individual fined \$250 and costs. (F. D. C. No. 24793. Sample Nos. 206-K, 26326-K.)**

**INFORMATION FILED:** June 21, 1948, Southern District of Illinois, against Deer Park Baking Co., Inc., Springfield, Ill., and Robert M. Wade, plant manager.

**ALLEGED SHIPMENT:** On or about September 6 and 11, 1947, from the State of Illinois into the States of Missouri and South Carolina.

**LABEL, IN PART:** "8 Ounces Net Weight Dainty Mix Assorted Cookies \* \* \* Energy Baking Company Springfield, Illinois," or "Deer Park Nods Deer Park Baking Co. Chicago, Illinois."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect parts, insects, rodent hair fragments, and larvae; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** November 29, 1948. Pleas of nolo contendere having been entered, the corporation was fined \$500, plus \$35 costs, and the individual was fined \$250, plus \$25 costs.

**14318. Misbranding of cookies. U. S. v. Superior Biscuit Co. and Floyd B. Millican. Pleas of guilty. Fines of \$757 against company and \$257 against individual. (F. D. C. No. 25335. Sample Nos. 37345-K, 37808-K, 37810-K, 37812-K, 37828-K, 37913-K to 37915-K, incl.)**

**INFORMATION FILED:** January 14, 1949, Western District of Washington, against the Superior Biscuit Co., a corporation, Seattle, Wash., and Floyd B. Millican, president.

**ALLEGED SHIPMENT:** On or about May 24, June 15 and 30, and July 6, 1948, from the State of Washington into the Territory of Alaska.

**LABEL, IN PART:** "Krunchies Net Weight 6½ oz. or over," "Mars Cookies Net Weight 11½ ounces," or "Fig Bar Cookies 15½ Ounces."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the articles failed to bear labels containing an accurate statement of the quantity of the contents since the net weight of the articles was less than the weight declared on the label.

**DISPOSITION:** February 25, 1949. Pleas of guilty having been entered, the court imposed fines of \$750 against the company and \$250 against the individual on count 1, and imposed a fine of \$1.00 on each of the remaining 7 counts against both defendants.

**14319. Adulteration and misbranding of cookies. U. S. v. 19 Cartons \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26099, 26106. Sample Nos. 1526-K, 1707-K, 1708-K.)**

**LIBELS FILED:** December 1 and 2, 1948, Southern District of Florida and Northern District of Florida.

**ALLEGED SHIPMENT:** On or about September 24 and October 6, 1948, by Capitol Candy Co., Inc., from Jackson, Miss.

**PRODUCT:** Cookies. 19 cartons and 94 boxes, each containing 200 cookies, at Tallahassee, and Jacksonville, Fla.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects



and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (k), it contained artificial flavoring and failed to bear a label stating that fact.

**DISPOSITION:** January 20 and February 3, 1949. Default decrees of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**14320. Adulteration of pretzels. U. S. v. Num Num Foods, Inc., and Carl F. Noss. Pleas of guilty. Fine of \$450 against each defendant. (F. D. C. No. 26333. Sample Nos. 7678-K, 7830-K to 7832-K, incl., 18287-K, 18288-K.)**

**INFORMATION FILED:** February 11, 1949, Northern District of Ohio, against Num Num Foods, Inc., Cleveland, Ohio, and Carl F. Noss, factory manager.

**ALLEGED SHIPMENT:** On or about September 29 and November 3, 1948, from the State of Ohio into the States of New York and Pennsylvania.

**LABEL, IN PART:** "Num Num New Process Pretzels," "Butter Pretzels," or "Num Num Thin Pretzel Sticks."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and larvae; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 4, 1949. Pleas of guilty having been entered, the court imposed a fine of \$450 against each defendant.

#### CORN MEAL\*

**14321. Adulteration of corn meal. U. S. v. Edward Lee Pope (Omaha Mills). Plea of nolo contendere. Fine, \$100 on count 1; sentence suspended on count 2, and defendant placed on probation. (F. D. C. No. 26336. Sample Nos. 1102-K, 1103-K.)**

**INFORMATION FILED:** February 19, 1949, Middle District of Georgia, against Edward Lee Pope, trading as Omaha Mills, Omaha, Ga.

**ALLEGED SHIPMENT:** On or about August 20 and 31, 1948, from the State of Georgia into the State of Alabama.

**LABEL, IN PART:** "Omaha Mills Water Ground Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect heads, insect fragments, rodent excreta fragments, whole insects, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 7, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$100 on count 1, suspended sentence on count 2, and placed the defendant on probation for 1 year.

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\*See also No. 14326.



**14322. Adulteration of corn meal. U. S. v. Griffin Grocery Co. (Happyvale Flour Mills). Plea of guilty. Fine, \$300. (F. D. C. No. 25317. Sample Nos. 283-K, 768-K, 969-K.)**

**INFORMATION FILED:** October 28, 1948, Middle District of Georgia, against the Griffin Grocery Co., a corporation, trading as Happyvale Flour Mills, Fort Valley, Ga.

**ALLEGED SHIPMENT:** On or about June 8 and 23 and July 6, 1948, from the State of Georgia into the States of Alabama and Florida.

**LABEL, IN PART:** "Water Ground Style Happyvale White Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, whole insects, rodent hair fragments, rodent excreta fragments, and rodent hairs.

**DISPOSITION:** April 19, 1949. A plea of guilty having been entered, the court imposed a fine of \$300.

**14323. Adulteration of corn meal. U. S. v. Schultz, Baujan & Co., Inc. Plea of nolo contendere. Fine, \$400 and costs. (F. D. C. No. 26350. Sample Nos. 44125-K, 44187-K, 44189-K, 44190-K.)**

**INFORMATION FILED:** February 28, 1949, Southern District of Illinois, against Schultz, Baujan & Co., Inc., Beardstown, Ill.

**ALLEGED SHIPMENT:** On or about August 18 and September 22, 1948, from the State of Illinois into the State of Ohio.

**LABEL, IN PART:** "Critic Enriched White Corn Meal" or "Critic Kiln Dried White Cream Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larvae, insect fragments, insects, rodent excreta, and rodent hair fragments.

**DISPOSITION:** March 23, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$400 and costs.

**14324. Adulteration of corn meal. U. S. v. 347 Bags, etc. (F. D. C. No. 25347. Sample No. 3687-K.)**

**LIBEL FILED:** August 19, 1948, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about June 19, 1948, by Gurley Milling Co., Inc., from Princeton, N. C.

**PRODUCT:** 347 2-pound bags and 607 5-pound bags of corn meal at Norfolk, Va.

**LABEL, IN PART:** "G. M. C. Sifted Unbolted White Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 18, 1948. Default decree of condemnation and destruction.

**14325. Adulteration of corn meal. U. S. v. 74 Cases, etc. (F. D. C. No. 25401. Sample Nos. 20413-K, 20416-K.)**

**LIBEL FILED:** On or about September 9, 1948, Western District of Missouri.



**ALLEGED SHIPMENT:** On or about August 2, 1948, by the Crete Mills, from Crete, Nebr.

**PRODUCT:** Corn meal. 74 cases, each containing 12 2-pound, 8-ounce boxes, and 261 cases, each containing 10 5-pound boxes, at Kansas City, Mo.

**LABEL, IN PART:** "Mammy Lou Enriched Degerminated White Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

**DISPOSITION:** October 14, 1948. Default decree of destruction.

## FLOUR

Nos. 14326 to 14342 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) The flour reported in No. 14342 failed to meet the standard for enriched flour.

**14326. Adulteration of rye flour, rye meal, corn meal, and cake flour. U. S. v. 25 Bags, etc.** (F. D. C. No. 25146. Sample Nos. 5019-K to 5022-K, incl.)

**LIBEL FILED:** August 3, 1948, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about January 22 and March 31, 1948, from New Ulm, Minn., and Evansville, Ind.

**PRODUCT:** 25 100-pound bags of rye flour, 12 100-pound bags of rye meal, 4 100-pound bags of corn meal, and 43 100-pound bags of cake flour at Providence, R. I., in possession of the Rhode Island Warehouse Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine in all lots and rodent excreta in the cake flour; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 16, 1948. Snell Bakery, Inc., Providence, R. I., claimant, having consented to the entry of a decree, judgment was entered providing for the release of the product under bond, for segregation of the unfit portion and its disposition as animal feed, under the supervision of the Federal Security Agency. A total of 40 bags was found unfit and denatured for use as hog feed.

**14327. Adulteration of rye flour. U. S. v. 18 Bags \* \* \*. (F. D. C. No. 26554. Sample No. 46979-K.)**

**LIBEL FILED:** February 21, 1949, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 12, 1948, from New Ulm, Minn.

**PRODUCT:** 18 100-pound bags of rye flour at Youngstown, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 22, 1949. Default decree of condemnation and destruction.



**14328. Adulteration of flour. U. S. v. Belgrade Flour Mill Co., a partnership, and George W. Kolb. Pleas of guilty. Partnership fined \$300; individual fined \$200. (F. D. C. No. 26291. Sample Nos. 41746-K, 41747-K, 41757-K.)**

**INFORMATION FILED:** December 8, 1948, District of Minnesota, against the Belgrade Flour Mill Co., Belgrade, Minn., and George W. Kolb, manager.

**ALLEGED SHIPMENT:** On or about July 27 and 31 and August 7, 1948, from the State of Minnesota into the State of Illinois.

**LABEL, IN PART:** "Imperial Valley Queen Flour," "Minnesota Standard Patent Flour Milled For Chicago Flour Company, Chicago, Ill.," or "First Clear Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae, insect fragments, insects, larva cast skins, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 11, 1949. Pleas of guilty having been entered, the partnership was fined \$300 and the individual defendant \$200.

**14329. Adulteration of flour. U. S. v. United Grain & Milling Co., and Henry E. Landman. Pleas of guilty. Fine of \$50 and costs against each defendant. (F. D. C. No. 26344. Sample Nos. 18577-K, 18578-K, 51091-K.)**

**INFORMATION FILED:** March 14, 1949, Northern District of Ohio, against the United Grain & Milling Co., a partnership, St. Henry, Ohio, and Henry E. Landman, plant superintendent.

**ALLEGED SHIPMENT:** Between the approximate dates of May 11 and November 22, 1948, from the State of Ohio into the State of Indiana.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 18, 1949. Pleas of guilty having been entered, the court imposed a fine of \$50 and costs on each of the three counts against each defendant and suspended the fines on counts 2 and 3.

**14330. Adulteration of flour. U. S. v. 193 Bags \* \* \*. (F. D. C. No. 26570. Sample No. 22137-K.)**

**LIBEL FILED:** February 28, 1949, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about October 4, 1948, from Fort Worth, Tex.

**PRODUCT:** 193 10-pound bags of flour at Baton Rouge, La., in possession of B. Olinde & Sons Co., Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance (the article contained rodent excreta); and, Section 402 (a) (4), it had been held under insanitary conditions. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 6, 1949. Default decree of condemnation and destruction.



**14331. Adulteration of flour. U. S. v. 19 Bags \* \* \*. (F. D. C. No. 26637. Sample No. 13096-K.)**

**LIBEL FILED:** March 8, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 28, 1948, by Shellabarger's, Inc., from Salina, Kans.

**PRODUCT:** 19 100-pound bags of flour at Philadelphia, Pa.

**LABEL, IN PART:** "Shellabarger's Golden Belt Bleached Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

**DISPOSITION:** April 11, 1949. Default decree of condemnation and destruction.

**14332. Adulteration of flour. U. S. v. 200 Bags, etc. \* \* \*. (F. D. C. No. 26158. Sample Nos. 1348-K to 1351-K, incl.)**

**LIBEL FILED:** On or about January 7, 1949, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about August 25, September 10, and October 27, 1948, from Fort Worth, Tex., and Nashville, Tenn.

**PRODUCT:** Flour. 270 10-pound bags, 122 50-pound bags, 22 5-pound bags, and 86 25-pound bags at Cornelia, Ga., in possession of the R. L. Ramey Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 21, 1949. The C. M. Miller Co., Cornelia, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the unfit portion and its conversion into stock feed, under the supervision of the Federal Security Agency. The entire product was subsequently denatured.

**14333. Adulteration of flour. U. S. v. 560 Bags \* \* \*. (F. D. C. No. 26200. Sample No. 19777-K.)**

**LIBEL FILED:** December 2, 1948, Southern District of Indiana; amended libel filed January 4, 1949.

**ALLEGED SHIPMENT:** On or about February 24, 1948, from St. Louis, Mo.

**PRODUCT:** 560 5-pound bags of flour at Indianapolis, Ind.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 11, 1949. Default decree of forfeiture and destruction.

**14334. Adulteration of flour. U. S. v. 11 Bags \* \* \*. (F. D. C. No. 25477. Sample No. 5034-K.)**

**LIBEL FILED:** August 19, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about February 24, 1948, from Black Rock, N. Y.

**PRODUCT:** 11 100-pound bags of flour at New London, Conn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.



It was adulterated while held for sale after shipment in interstate commerce.  
**DISPOSITION:** October 26, 1948. Default decree of condemnation. The product was ordered sold for purposes other than for human consumption.

**14335. Adulteration of flour. U. S. v. 346 Bags \* \* \*. (F. D. C. No. 24968. Sample Nos. 18577-K, 18578-K.)**

**LIBEL FILED:** On or about July 1, 1948, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about May 11, 1948, by the United Grain & Milling Co., from St. Henry, Ohio.

**PRODUCT:** 346 100-pound bags of flour at Richmond, Ind.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (Examination showed that the product contained insect fragments and rodent hair fragments.)

**DISPOSITION:** September 13, 1948. A total of 79 bags of the product having been seized, and the United Grain & Milling Co., claimant, having admitted the allegations of the libel except as to the amount of the product alleged to be in the custody of the consignee, judgment of forfeiture was entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Food and Drug Administration.

**14336. Adulteration of flour. U. S. v. 1,933 Bags \* \* \*. (F. D. C. No. 26436. Sample No. 1536-K.)**

**LIBEL FILED:** February 2, 1949, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 22, 1948, from Trenton, Ill.

**PRODUCT:** 1,933 25-pound bags of flour at Brunswick, Ga., in possession of the Glynn Distributors.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 18, 1949. The Trenton Milling Co., Trenton, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

**14337. Adulteration of flour. U. S. v. 156 Bags, etc. (F. D. C. No. 25545. Sample Nos. 985-K to 987-K, incl.)**

**LIBEL FILED:** On or about September 8, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about January 23, May 3, and June 23, 1948, from Fort Worth, Tex.

**PRODUCT:** 213 25-pound bags and 27 50-pound bags of flour at La Fayette, Ga., in possession of the La Fayette Wholesale Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.



The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 16, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**14338. Adulteration of self-rising flour. U. S. v. 300 Bags, etc. (and 1 other seizure action).** (F. D. C. Nos. 26439, 26440. Sample Nos. 3245-K to 3248-K, incl.)

**LIBELS FILED:** February 4, 1949, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about November 12, 1948, and January 4, 1949, by the Piedmont Mills, from Lynchburg, Va.

**PRODUCT:** Self-rising flour, 300 10-pound bags and 52 50-pound bags at Goldsboro, N. C., and 72 25-pound bags and 36 50-pound bags at Rocky Mount, N. C.

**LABEL, IN PART:** "Piedmont Flour Self-Rising" or "Mountain Rose Self-Rising Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 10, 1949. Default decrees of condemnation and destruction. The product was disposed of for use as hog feed.

**14339. Adulteration of enriched self-rising flour. U. S. v. 168 Sacks \* \* \*.** (F. D. C. No. 25956. Sample No. 23903-K.)

**LIBEL FILED:** November 23, 1948, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about October 6, 1948, from Nashville, Tenn.

**PRODUCT:** 168 25-pound bags of enriched self-rising flour at Tuscaloosa, Ala., in the possession of the Sumter Farm & Stock Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 25, 1949. Default decree of condemnation and destruction.

**14340. Adulteration of whole wheat flour. U. S. v. 12 Bags \* \* \*.** (F. D. C. No. 26609. Sample No. 5790-K.)

**LIBEL FILED:** February 23, 1949, District of New Hampshire.

**ALLEGED SHIPMENT:** On or about December 28, 1948, from New Ulm, Minn.

**PRODUCT:** 12 100-pound bags of whole wheat flour at Claremont, N. H., in the possession of the J. P. Goddard Baking Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 4, 1949. Default decree of condemnation and destruction.



**14341. Adulteration of wheat germ flour and wheat germ. U. S. v. 600 Bags \* \* \*. (F. D. C. Nos. 25022, 25044. Sample Nos. 27943-K, 27944-K, 27950-K.)**

**LIBELS FILED:** July 8 and 13, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about June 1, 4, and 27, and July 15, 1946, from Monticello, Ill.

**PRODUCT:** 600 100-pound bags of wheat germ flour and 600 100-pound bags of wheat germ at St. Louis, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 9 and 14, 1948. The Dri-Food Processors and the Roth Products Corp., St. Louis, Mo., claimants for the respective products, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. They were subsequently denatured with cod liver oil.

**14342. Adulteration of plain flour and adulteration and misbranding of enriched flour. U. S. v. Springfield Milling Corp. Plea of guilty. Fine of \$600 on each of counts 1 and 2; imposition of sentence suspended on remaining counts and defendant placed on probation. (F. D. C. No. 25340. Sample Nos. 9620-K, 14860-K, 14861-K, 25211-K, 25212-K, 25217-K, 25373-K.)**

**INFORMATION FILED:** November 24, 1948, District of Minnesota, against the Springfield Milling Corp., Springfield, Minn.

**ALLEGED SHIPMENT:** On or about May 1 and 4, 1948, from the State of Minnesota into the States of New York, Illinois, Iowa, and South Dakota.

**LABEL, IN PART:** "Blue Heron Patent Flour," "Pride of the Northwest Flour," "Verona Spring Wheat Baker's Patent Flour Tardella Flour Company Chicago, Illinois Distributors," "Enriched Flour White Swan Fancy Patent," or "White Swan Enriched Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of larva head capsules, insect fragments, and rodent hair fragments; Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth; and, Section 402 (b) (1), valuable constituents, vitamin B<sub>1</sub>, riboflavin, and niacin, had been in part omitted from the enriched flour.

Misbranding, Section 403 (g), (1), the enriched flour failed to conform to the definition and standard of identity for enriched flour since it contained less than 2.0 milligrams of thiamine (vitamin B<sub>1</sub>), less than 1.2 milligrams of riboflavin, and less than 16.0 milligrams of niacin in each pound.

**DISPOSITION:** March 14, 1949. A plea of guilty having been entered, the court imposed a fine of \$600 on each of counts 1 and 2 of the information, suspended sentence on the remaining counts, and placed the defendant on probation for three years.



## MACARONI AND NOODLE PRODUCTS

**14343. Adulteration and misbranding of macaroni and noodle products. U. S. v. United States Macaroni Mfg. Co., a corporation, and Vinciguerra DeFelice and Fileno DeFelice. Pleas of guilty. Corporation fined \$1,950; Vinciguerra DeFelice, \$509; and Fileno DeFelice, \$109. (F. D. C. No. 24769. Sample Nos. 61758-H, 81525-H, 81837-H, 81838-H, 81840-H, 81871-H, 81874-H, 81876-H, 81878-H, 81880-H, 82702-H.)**

**INFORMATION FILED:** June 11, 1948, Eastern District of Washington, against the United States Macaroni Mfg. Co., Spokane, Wash., and Vinciguerra DeFelice, president, and Fileno DeFelice, vice president of the corporation.

**ALLEGED SHIPMENT:** Between the approximate dates of April 10, 1946, and April 5, 1947, from the State of Washington into the States of Montana, Idaho, and Oregon.

**LABEL, IN PART:** "Taystie Elbows Macaroni Products," "Taystie Frills Fresh Egg Noodles," "Taystie Shells Macaroni Products," "Taystie Fresh Egg Noodles," "Taystie Twists Fresh Egg Noodles," "Rose Brand Pure Egg Noodles," or "Taystie Brand Plain Real Chinese Noodles."

**NATURE OF CHARGE:** Adulteration (elbow macaroni, 1 lot), Section 402 (a), the product consisted in part of a filthy substance by reason of the presence of rodent hair and rodent excreta; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (g) (1), the products purported to be and were represented as macaroni and noodle products, foods for which definitions and standards of identity had been prescribed by the regulations, and they failed to conform to such definitions and standards. With the exception of the lot labeled "Chinese Noodles," they contained added carotene, which is not an ingredient or optional ingredient of macaroni and noodle products, and the "Chinese" noodles contained less than 5.5 percent by weight of the solids of egg or egg yolk, the minimum permitted by the standard for egg noodles.

**DISPOSITION:** September 30, 1948. Pleas of guilty having been entered, the corporation was fined \$1,500, Vinciguerra DeFelice was fined \$500, and Fileno DeFelice was fined \$100 on count 1 of the information, which charged adulteration. The corporation was fined also \$50 on each of the remaining 9 counts, and the individual defendants were both fined \$1 on each of the 9 counts.

**14344. Adulteration of spaghetti, noodles, and macaroni. U. S. v. Quality Macaroni Co., and Henry M. Burchard. Pleas of guilty. Corporation fined \$750; individual fined \$250. (F. D. C. No. 24815. Sample Nos. 24561-K to 24563-K, incl., 24565-K, 25087-K, 26171-K.)**

**INFORMATION FILED:** July 23, 1948, District of Minnesota, against the Quality Macaroni Co., a corporation, St. Paul, Minn., and Henry M. Burchard, president and treasurer.

**ALLEGED SHIPMENT:** On or about March 2, 3, 4, and 5, 1948, from the State of Minnesota into the States of Wisconsin, North Dakota, and Missouri.

**LABEL, IN PART:** "Q-M-C Brand Elbow Spaghetti," "Quality Brand Fancy Egg Noodles," or "Quality Brand Macaroni."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, mites, feather fragments, and rodent hair fragments; and, Section 402



(a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 6, 1948. Pleas of guilty having been entered by the defendants, the court imposed a fine of \$750 against the corporation and a fine of \$250 against the individual.

**14345. Adulteration of macaroni. U. S. v. 65 Cartons \* \* \*. (F. D. C. No. 25963. Sample No. 30621-K.)**

**LIBEL FILED:** October 22, 1948, District of Arizona.

**ALLEGED SHIPMENT:** On or about September 23, 1948, by the Globe Mills, from Los Angeles, Calif.

**PRODUCT:** 65 cartons, each containing 24 1-pound bags, of macaroni at Nogales, Ariz.

**LABEL, IN PART:** "Macaroni \* \* \* Globe A1."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 10, 1949. Default decree of condemnation and destruction.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**14346. Adulteration of shelled corn. U. S. v. 100 Bags \* \* \*. (F. D. C. No. 26082. Sample No. 5355-K.)**

**LIBEL FILED:** November 29, 1948, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about October 23, 1948, by the Wilkins-Rogers Milling Co., from Washington D. C.

**PRODUCT:** 100 100-pound bags of shelled corn at Usquepaugh, R. I.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** December 23, 1948. Kenyon's Johnny Cake Meal Co., Usquepaugh, R. I., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be disposed of for use as animal feed.

**14347. Adulteration of hybrid corn for popping. U. S. v. 74 Bags \* \* \*. (F. D. C. No. 26079. Sample No. 5496-K.)**

**LIBEL FILED:** November 18, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about May 9, 1946, from Atchison, Kans.

**PRODUCT:** 74 100-pound bags of hybrid corn for popping at Boston, Mass., in the possession of the John W. Leavitt Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 28, 1949. The John W. Leavitt Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the

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\* See also Nos. 14326, 14341.



product was ordered released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

**14348. Adulteration of popcorn. U. S. v. Jules William Bond (J. W. Bond). Plea of guilty. Fine, \$500 and costs. (F. D. C. No. 24554. Sample Nos. 810-K, 26618-K.)**

**INFORMATION FILED:** May 3, 1948, Western District of Kentucky, against Jules William Bond, trading as J. W. Bond, at Henderson, Ky.

**ALLEGED SHIPMENT:** On or about September 22 and 23, 1947, from the State of Kentucky into the States of Florida and Illinois.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae, insect fragments, rodent hair fragments, rodent-gnawed kernels, and insect-attacked kernels; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 28, 1949. A plea of guilty having been entered, the defendant was fined \$500 and costs.

**14349. Adulteration of popcorn. U. S. v. 11 Bags \* \* \*. (F. D. C. No. 23999. Sample No. 26618-K.)**

**LIBEL FILED:** December 3, 1947, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 23, 1947, by J. W. Bond, from Henderson, Ky.

**PRODUCT:** 11 100-pound bags of popcorn at Danville, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article contained larvae, rodent hair fragments, and insect- and rodent-eaten popcorn; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 24, 1948. Default decree of condemnation. The product was ordered sold to the highest bidder, for use other than for human consumption.

**14350. Adulteration of popcorn. U. S. v. 49 Bags \* \* \*. (F. D. C. No. 25656. Sample No. 6499-K.)**

**LIBEL FILED:** September 20, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about March 25, 1948, from Marion, Ohio.

**PRODUCT:** 49 100-pound bags of popcorn at Fairport, N. Y., in possession of the Fairport Storage & Ice Corp.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent-gnawed kernels; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 7, 1948. E. Benjamin Holton, Webster, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of salvaging the good portion of the popcorn, under the supervision of the Federal Security Agency. As a result of the salvaging operations, 25 bags of the product were found unfit and were denatured for use as hog feed.



**14351. Adulteration of popcorn. U. S. v. 97 Cases \* \* \*. (F. D. C. No. 23815. Sample No. 26103-K.)**

**LIBEL FILED:** October 15, 1947, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about August 30, 1947, by the American Popcorn Co., from Sioux City, Iowa.

**PRODUCT:** 97 cases, each containing 24 10-ounce cans, of popcorn at St. Louis, Mo.

**LABEL, IN PART:** "Jolly Time Giant Yellow Hulless Pop Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insects, and rodent-gnawed kernels.

**DISPOSITION:** December 3, 1947. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**14352. Adulteration of rice. U. S. v. 803 Bags \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24990, 24991. Sample Nos. 30875-K to 30877-K, incl.)**

**LIBELS FILED:** July 6, 1948, Southern District of California; amended libel filed July 29, 1948, in the action against 803 and 948 bags.

**ALLEGED SHIPMENT:** On or about November 11 and 12 and December 31, 1947, from Stuttgart, Ark., and Crowley, La.

**PRODUCT:** 803, 948, and 300 100-pound bags of rice at Los Angeles, Calif., in the possession of the American Warehouse.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), all lots of the product had been held under insanitary conditions whereby they may have become contaminated with filth; and, Section 402 (a) (4), the 803-bag lot and the 948-bag lot consisted in whole or in part of a filthy substance by reason of the presence therein of rodent excreta and rodent hairs. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 2, 4, and 6, 1948. The Kwong Dack Wo Co., Morey & Co., and S. E. Rykoff & Co., Los Angeles, Calif., claimants for the 948-bag lot, the 803-bag lot, and the 300-bag lot, respectively, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was reconditioned by removal and destruction of the rodent-contaminated portions of the bags.

**14353. Adulteration of rice. U. S. v. 72 Bags, etc. (F. D. C. No. 26677. Sample No. 7921-K.)**

**LIBEL FILED:** March 3, 1949, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 4, 1946, from Sacramento, Calif.

**PRODUCT:** 307 100-pound bags of rice at Pittsburgh, Pa., in possession of the Federal Cold Storage Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 22, 1949. Default decree of condemnation and destruction.



**14354. Adulteration of rice. U. S. v. 49 Bags \* \* \*. (F. D. C. No. 25751. Sample No. 93-K.)**

**LIBEL FILED:** September 15, 1948, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about May 1, 1948, from De Witt, Ark.

**PRODUCT:** 49 100-pound bags of rice at Charleston, S. C., in possession of D. W. Ohlandt & Sons.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 11, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution to be used for purposes other than for human consumption.

**14355. Adulteration of cracked wheat. U. S. v. 26 Bags \* \* \*. (F. D. C. No. 26640. Sample No. 5719-K.)**

**LIBEL FILED:** March 18, 1949, District of New Hampshire.

**ALLEGED SHIPMENT:** On or about December 13, 1948, from Kansas City, Mo.

**PRODUCT:** 26 100-pound bags of cracked wheat at Manchester, N. H., in the possession of Normand Brothers, Inc.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 18, 1949. Default decree of condemnation and destruction.

**14356. Misbranding of corn flakes and Quick Wheat. U. S. v. Albers Milling Co. Plea of nolo contendere. Fine, \$2,000. (F. D. C. No. 26310. Sample Nos. 31257-K, 36782-K, 40530-K, 40728-K.)**

**INFORMATION FILED:** January 13, 1949, Northern District of California, against the Albers Milling Co., a corporation, Oakland, Calif.

**ALLEGED SHIPMENT:** Between the approximate dates of February 13 and July 19, 1948, from the State of California into the States of Arizona, Washington, and Oregon.

**LABEL, IN PART:** "Carnation \* \* \* Corn Flakes," "Albers Corn Flakes," or "Carnation Quick Wheat."

**NATURE OF CHARGE:** Corn flakes. Misbranding, Section 403 (a), the statement on the label of a portion of the article, "A one-ounce serving of these delicious Corn Flakes contains 12% of an adult's minimum daily requirement of Thiamin. Vitamin B<sub>1</sub>" and a similar statement on the label of the remainder of the article were false and misleading since a one-ounce serving of the article would provide less than 12 percent of an adult's minimum daily requirement of thiamine, vitamin B<sub>1</sub>.

Quick Wheat. Misbranding, Section 403 (a), the label statement "An average serving of Carnation Quick Wheat (one ounce) containing approximately 68 U. S. P., units of Vitamin B<sub>1</sub> supplies approximately the following proportions of the minimum daily requirements for Vitamin B<sub>1</sub>: infant  $\frac{4}{5}$ ; child



less than six years old  $\frac{2}{5}$ ; child six or more years old  $\frac{1}{4}$ ; adult  $\frac{1}{5}$ " was false and misleading since the article would provide smaller amounts of vitamin B<sub>1</sub> than represented.

**DISPOSITION:** February 2, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$2,000.

**14357. Adulteration of breading meal. U. S. v. Qualified Products Co. Plea of guilty. Fine, \$300 and costs. (F. D. C. No. 26308. Sample Nos. 12866-K, 43131-K.)**

**INFORMATION FILED:** On or about January 12, 1949, Northern District of Illinois, against the Qualified Products Co., a corporation, Chicago, Ill.

**ALLEGED SHIPMENT:** On or about August 3 and 13, 1948, from the State of Illinois into the States of New Jersey and Michigan.

**LABEL, IN PART:** "Savory Brand Breading Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, larvae, and insect parts; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 17, 1949. A plea of guilty having been entered, the court imposed a fine of \$300 and costs.

## CHOCOLATE AND CONFECTIONERY

**14358. Adulteration of chocolate. U. S. v. 28 Bales, etc. (F. D. C. No. 26215. Sample Nos. 45861-K, 45862-K.)**

**LIBEL FILED:** December 13, 1948, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about March 27 and October 7, 1947, from Brooklyn, N. Y.

**PRODUCT:** 70 20-pound slabs of chocolate at Memphis, Tenn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 13 and 18, 1949. The Oliver-Finnie Co., Memphis, Tenn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned by the scraping off of the outer layers of chocolate. Of the 14,800 pounds seized, 10,122 pounds were salvaged and the remainder was destroyed.

**14359. Adulteration of chocolate. U. S. v. 50 Boxes \* \* \*. (F. D. C. No. 25990. Sample No. 12877-K.)**

**LIBEL FILED:** October 29, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 5 and 23, 1948, from Beloit, Wis.

**PRODUCT:** 50 50-pound boxes of chocolate at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.



**DISPOSITION:** November 30, 1948. Samuel Zitner, Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 200 pounds was found unfit and was destroyed.

**14360. Adulteration of chocolate coating. U. S. v. 15 Cases \* \* \*. (F. D. C. No. 26225. Sample No. 25138-K.)**

**LIBEL FILED:** December 16, 1948, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about August 20, 1948, from Chicago, Ill.

**PRODUCT:** 15 50-pound cases of chocolate coating at Burlington, Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of being insect-infested. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 30, 1949. Default decree of condemnation and destruction.

**14361. Adulteration of chocolate coating. U. S. v. 55 Slabs \* \* \*. (F. D. C. No. 26895. Sample No. 44261-K.)**

**LIBEL FILED:** March 25, 1949, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about January 5, 1949, from the State of Pennsylvania.

**PRODUCT:** 55 10-pound slabs of chocolate coating at Cincinnati, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 1, 1949. The Sauerston & Brown Co., Cincinnati, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the slabs of chocolate be scraped and brushed, under the supervision of the Federal Security Agency, so that all unfit material would be eliminated.

**14362. Adulteration of Sprinklettes (chocolate topping). U. S. v. 4 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 26406 to 26408, incl. Sample Nos. 9311-K to 9313-K, incl., 48205-K.)**

**LIBELS FILED:** January 13 and 14, 1949, Eastern District of Pennsylvania and Eastern District of New York.

**ALLEGED SHIPMENT:** On or about November 11 and December 1, 8, and 14, 1948, by the Atlantic Chocolate Refining Co., from Boston, Mass.

**PRODUCT:** Sprinklettes. 4 cases, each containing 6 5-pound canisters, at Philadelphia, Pa., and 31 5-pound canisters and 6 265-pound barrels at Brooklyn, N. Y.

**LABEL, IN PART:** "Sprinklettes Flavored Chocolate Topping."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 15 and 18, 1949. Default decrees of condemnation and destruction.

**14363. Adulteration of chocolate. U. S. v. Rockwood & Co. Plea of nolo contendere. Fine, \$1,200. (F. D. C. No. 25291. Sample Nos. 8097-K, 18238-K, 30941-K.)**

**INFORMATION FILED:** September 30, 1948, Eastern District of New York, against Rockwood & Co., a corporation, New York, N. Y.

**ALLEGED SHIPMENT:** On or about February 26 and 27 and March 1, 1948, from the State of New York into the States of Ohio, Connecticut, and California.

**LABEL, IN PART:** "Amber Milk Milk Chocolate," "Milk Chocolate Cups," or "Milk Chocolate With Almonds."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 17, 1948. A plea of nolo contendere having been entered, the defendant was fined \$1,200.

**14364. Adulteration of chocolate candy bars. U. S. v. Surplus Sales Stores of Honolulu, Ltd., a corporation, and Louis Stambler. Plea of guilty on behalf of the corporation; plea of nolo contendere to count 1 by the individual, and counts 2 and 3 against him dismissed. Corporation fined \$250; individual fined \$150. (F. D. C. No. 24810. Sample Nos. 71139-H, 71324-H.)**

**INFORMATION FILED:** December 14, 1948, District of Hawaii, against the Surplus Sales Stores of Honolulu, Ltd., a corporation, Honolulu, T. H., and Louis Stambler, an individual.

**ALLEGED SHIPMENT:** On or about March 28, 1947, from the Territory of Hawaii into the State of California.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of beetles, larvae, and insect excreta.

**DISPOSITION:** February 18, 1949. A plea of guilty having been entered on behalf of the corporation, a fine of \$250 was imposed. A plea of nolo contendere having been entered on behalf of Louis Stambler, he was fined \$150 on count 1, and counts 2 and 3 were dismissed.

**14365. Adulteration of candy. U. S. v. Fanny Farmer Candy Shops, Inc. Plea of nolo contendere. Fine of \$750 on each of the 3 counts. (F. D. C. No. 24561. Sample Nos. 6824-K, 7064-K, 7067-K.)**

**INFORMATION FILED:** May 13, 1948, Western District of New York, against Fanny Farmer Candy Shops, Inc., Rochester, N. Y.

**ALLEGED SHIPMENT:** On or about December 19 and 30, 1947, and January 2, 1948, from the State of New York into the State of Pennsylvania.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 4, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$750 on each of the 3 counts.



**14366. Adulteration of candy. U. S. v. 45 Boxes \* \* \*. (F. D. C. No. 26281. Sample No. 27596-K.)**

**LIBEL FILED:** On or about February 3, 1949, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about April 15, 1948, from New Orleans, La.

**PRODUCT:** 45 boxes each containing 24 1-ounce candy bars at Springfield, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its nauseating odor and taste. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 4, 1949. Default decree of destruction.

**14367. Adulteration of candy. U. S. v. 8 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 23977, 23983, 23992. Sample Nos. 22251-K, 24038-K, 36219-K.)**

**LIBELS FILED:** On or about November 19 and 25 and December 2, 1947, Southern District of Iowa, District of Montana, and Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about October 15, 17, and 23, and November 4, 1947, by Schuler Chocolates, Inc., from Winona, Minn.

**PRODUCT:** Candy. 8 cases, each containing 16 boxes of 24 bars each, at Des Moines, Iowa; 12 cases, each containing 12 cartons of 3 1-pound boxes each, at Great Falls, Mont.; and 15 cases, each containing 6 6-pound boxes, at New Orleans, La.

**LABEL, IN PART:** "Schuler Cherry Hill Chocolate Covered," "Schuler Park Square Chocolates," or "Vanilla Fudge Schuler Chocolates."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, insect fragments, insects, rodent hair fragments, and rodent excreta fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 12 and March 15, 1948. Default decrees of condemnation and destruction.

**14368. Adulteration and misbranding of candy. U. S. v. 9 Cases \* \* \*. (F. D. C. No. 24648. Sample No. 33278-K.)**

**LIBEL FILED:** May 25, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about December 22, 1947, by Schuler Chocolates, Inc., from Winona, Minn.

**PRODUCT:** 9 cases, each containing 12 boxes of 24 bars each, of candy at Fresno, Calif.

**LABEL, IN PART:** "Cherry Hi-Ball Net Wt. 1 $\frac{1}{8}$  Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1) a valuable constituent, cherries, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the name "Cherry Hi-Ball," the statement "Cherry Candy Bar \* \* \* Delicious Cherries," and the vignette depicting two clusters of cherries, appearing on the bar label, were false and misleading as applied to the article, which contained no cherries or pieces of cherries.

**DISPOSITION:** August 3, 1948. Default decree of condemnation and destruction.

**14369. Adulteration and misbranding of candy Easter eggs. U. S. v. 54 Cases \* \* \*. (F. D. C. No. 24384. Sample No. 31325-K.)**

**LIBEL FILED:** March 19, 1948, Territory of Hawaii.



**ALLEGED SHIPMENT:** On or about February 12, 1948, by the George W. Wride Co., Altadena, Calif.

**PRODUCT:** 54 cases, each containing 6 cartons of 48 2-ounce candy Easter eggs each, at Honolulu, T. H.

**LABEL, IN PART:** "48 2 Oz. Easter Eggs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents (the candy eggs weighed less than 2 ounces, the declared weight); and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

**DISPOSITION:** March 16, 1949. Default decree of condemnation and destruction.

**14370. Misbranding of candy. U. S. v. 61 Boxes \* \* \*. (F. D. C. No. 25822. Sample No. 9949-K.)**

**LIBEL FILED:** October 13, 1948, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September 15, 1948, by Jack Newberg Co., Inc., from New York, N. Y.

**PRODUCT:** 61 boxes, each containing 48 packages, of candy at Newark, N. J.

**LABEL, IN PART:** (Package) "Ducky Stripe Chocolate Flavored Cigarettes Net Wt. 1¼ Ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since four additional sticks of candy could easily be placed in each package; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

**DISPOSITION:** March 22, 1949. Default decree of condemnation. The product was ordered delivered to charitable organizations.

**14371. Misbranding of candy. U. S. v. 3 Cases, etc. (F. D. C. No. 26622. Sample Nos. 2775-K, 2776-K.)**

**LIBEL FILED:** February 24, 1949, District of Columbia.

**ALLEGED SHIPMENT:** On or about January 10, 1949, by the Phoenix Candy Co., from Brooklyn, N. Y.

**PRODUCT:** 19 bags and 3 cases, each case containing 24 bags, of candy at Washington, D. C.

**LABEL, IN PART:** (Bags) "Net Weight One Pound Phoenix Assorted Toffee," and "Phoenix Rum and Butter Toffee \* \* \* Net Wt. 1 Lb."; (individual pieces of Assorted Toffee) "Rum and Butter Toffee Artificial Flavor," "Maple Flavor Toffee Artificial Flavor," and "Cocoanut Flavor Toffee Artificial Flavor."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements "Rum and Butter," "Maple Flavor," and "Cocoanut Flavor," were false and misleading as applied to the articles, which contained artificial rum flavor and little or no butter, artificial maple flavor, and artificial coconut flavor, respectively; and, Section 403 (e) (2), the articles failed to bear labels containing an



accurate statement of the quantity of the contents. (The bags contained less than the weight declared on the label.)

DISPOSITION: April 8, 1949. Default decree of condemnation. The product was ordered delivered to a charitable organization.

## DAIRY PRODUCTS

### BUTTER\*

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 14372 to 14377, and that was below the legal standard for milk fat content, Nos. 14375 to 14384.

14372. Adulteration of butter. U. S. v. 103 Cartons \* \* \*. (F. D. C. No. 26065. Sample No. 8981-K.)

LIBEL FILED: October 18, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about October 2, 1948, by the Audubon Creamery Co., from Audubon, Iowa.

PRODUCT: 103 64-pound cartons of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. (Examination of samples of the product showed the presence of insect fragments, mites, manure, rat or mouse hairs, feather barbules, and sediment.)

DISPOSITION: November 16, 1948. The Audubon Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into fat for soap manufacturing purposes, under the supervision of the Federal Security Agency.

14373. Adulteration of butter. U. S. v. 15 Cartons \* \* \*. (F. D. C. No. 26175. Sample No. 8992-K.)

LIBEL FILED: November 16, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about October 19, 1948, by the Farmer's Union Coop. Creamery Co., from Superior, Nebr.

PRODUCT: 15 60-pound cartons of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. (Examination showed that the product contained insect fragments, rodent hair, and manure, and that it had been made from decomposed cream.)

DISPOSITION: January 11, 1949. Default decree of condemnation. The product was ordered denatured and sold for fat salvage.

14374. Adulteration of butter. U. S. v. 6 Cartons \* \* \*. (F. D. C. No. 26445. Sample No. 25286-K.)

LIBEL FILED: December 2, 1948, Southern District of New York.

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\*See also No. 14390.

**ALLEGED SHIPMENT:** On or about November 16, 1948, by the Luverne Cooperative Creamery Assoc., Luverne, Minn.

**PRODUCT:** 6 cartons, each containing approximately 65 pounds, of butter at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance. (Analysis showed that the product contained insect fragments and manure.)

**DISPOSITION:** January 11, 1949. Default decree of condemnation. The product was ordered sold for nonedible uses.

**14375. Adulteration of butter. U. S. v. Ray E. Fowler (Spring Valley Dairy Products Co.).** Plea of guilty. Fine, \$300 and costs. (F. D. C. No. 26323. Sample No. 8993-K.)

**INFORMATION FILED:** January 27, 1949, Southern District of Iowa, against Ray E. Fowler, doing business as the Spring Valley Dairy Products Co., Winterset, Iowa.

**ALLEGED SHIPMENT:** On or about October 30, 1948, from the State of Iowa into the State of New York.

**LABEL, IN PART:** "Butter Breakstone Bros., Inc. Distributors New York New York."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, setae, moth scales, insect eggs, rodent hair fragments, manure fragments, and nondescript dirt; Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** March 10, 1949. A plea of guilty having been entered, the court imposed a fine of \$300 and costs.

**14376. Adulteration of butter. U. S. v. 31 Cartons (1,984 pounds) \* \* \*.** (F. D. C. No. 26443. Sample No. 8993-K.)

**LIBEL FILED:** November 16, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 2, 1948, by the Spring Valley Creamery, Winterset, Iowa.

**PRODUCT:** 31 64-pound cartons of butter at New York, N. Y.

**LABEL, IN PART:** "Butter Breakstone Bros., Inc. Distributors New York."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance (analysis showed that the product contained insect fragments, insect eggs, rodent hairs, manure, and sediment and that it was made from filthy cream); and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** December 10, 1948. The Spring Valley Dairy Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was order released under bond to be converted into fat for soap manufacturing purposes, under the supervision of the Food and Drug Administration.



**14377. Adulteration and misbranding of butter. U. S. v. 23 Cartons (1,380 pounds) \* \* \*. (F. D. C. No. 26679. Sample No. 23909-K.)**

**LIBEL FILED:** December 9, 1948, Middle District of Alabama.

**ALLEGED SHIPMENT:** On or about September 18, 1948, by Foremost Dairies, Inc., from Americus, Ga.

**PRODUCT:** 23 60-pound cartons of butter at Montgomery, Ala.

**LABEL, IN PART:** "60#."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed material (it contained excessive mold); and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (i) (1), the labels failed to bear the common or usual name of the product; and, Section 403 (e), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** January 12, 1949. Default decree of condemnation. The product was ordered sold to the highest bidder, to be denatured and disposed of for use as inedible fat.

**14378. Adulteration of butter. U. S. v. Berger Creamery Co. and Miles Romesburg. Pleas of nolo contendere. Company fined \$100 and costs; individual fined \$50. (F. D. C. No. 26317. Sample Nos. 8942-K, 8947-K.)**

**INFORMATION FILED:** January 31, 1949, District of Nebraska, against the Berger Creamery Co., a partnership, South Sioux City, Nebr., and Miles Romesburg, manager of the firm.

**ALLEGED SHIPMENT:** On or about July 29, 1948, from the State of Nebraska into the State of New York.

**LABEL, IN PART:** "Butter Breakstone Bros., Inc. Distributors New York New York."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted therefrom; and Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** February 17, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$100 and costs against the company and a fine of \$50 against the individual.

**14379. Adulteration of butter. U. S. v. Knoxville Co-operative Creamery. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 25312. Sample Nos. 8930-K, 9216-K.)**

**INFORMATION FILED:** December 8, 1948, Southern District of Iowa, against the Knoxville Co-operative Creamery, a corporation, Knoxville, Iowa.

**ALLEGED SHIPMENT:** On or about July 19, 1948, from the State of Iowa into the State of New York.

**LABEL, IN PART:** "Butter Distributed by J. R. Kramer, Inc. 5136 New York, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2),

a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 10, 1949. A plea of guilty having been entered, the court imposed a fine of \$100 and costs.

**14380. Adulteration of butter. U. S. v. Plains Creamery, Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 26329. Sample No. 21779-K.)**

INFORMATION FILED: February 8, 1949, Western District of Oklahoma, against Plains Creamery, Inc., Arnett, Okla.

ALLEGED SHIPMENT: On or about August 31, 1948, from the State of Oklahoma into the State of Texas.

LABEL, IN PART: "Plains Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: February 28, 1949. A plea of guilty having been entered, the court imposed a fine of \$100.

**14381. Adulteration of butter. U. S. v. 22 Boxes (1,408 pounds) \* \* \*. (F. D. C. No. 27029. Sample No. 44715-K.)**

LIBEL FILED: February 25, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about February 24, 1949, by Northern Cooperatives, Inc., from Wadena, Minn.

PRODUCT: 22 64-pound boxes of butter at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 15, 1949. Northern Cooperatives, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be used in the manufacture of ice cream mix, under the supervision of the Federal Security Agency.

**14382. Adulteration of butter. U. S. v. 9 Cartons (576 pounds) \* \* \*. (F. D. C. No. 24697. Sample No. 25197-K.)**

LIBEL FILED: March 8, 1948, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about March 2, 1948, by Swift & Co., from Rushford, Minn.

PRODUCT: 9 64-pound cartons of butter at La Crosse, Wis.

LABEL, IN PART: "Manufactured By Hart Creamery Assn Rushford, Minn."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 30, 1948. The Hart Creamery Assoc., Rushford, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of salvaging the product for human consumption, under the supervision of the Federal Security Agency. The entire product was reworked and thereby brought into compliance with the law.



**14383. Adulteration and misbranding of butter. U. S. v. 10 Cartons (640 pounds)**

\* \* \*. (F. D. C. No. 26685. Sample No. 45535-K.)

**LIBEL FILED:** February 3, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 26, 1949, by the Goodrich Creamery, from Goodrich, N. Dak.

**PRODUCT:** 10 64-pound cartons of butter at New York, N. Y.

**LABEL, IN PART:** "J. R. Kramer, Inc. \* \* \* 64 Lb. Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the label statement "Butter" was false and misleading since the product contained less than 80 percent by weight of milk fat.

**DISPOSITION:** March 3, 1949. The Goodrich Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked, under the supervision of the Federal Security Agency.

**14384. Adulteration of butter. U. S. v. 50 Cases \* \* \*. (F. D. C. No. 27037. Sample No. 30399-K.)**

**LIBEL FILED:** February 28, 1949, Southern District of California.

**ALLEGED SHIPMENT:** On or about February 11, 1949, by the Nelson-Ricks Creamery, from Rexburg, Idaho.

**PRODUCT:** 50 cases, each containing 30 1-pound cartons, of butter at Los Angeles, Calif.

**LABEL, IN PART:** (Cartons) "Banquet better Butter, Banquet Better Foods."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** March 23, 1949. The Nelson-Ricks Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be segregated by code and the low fat product reworked, under the supervision of the Federal Security Agency.

### CHEESE

**14385. Adulteration and misbranding of cheese. U. S. v. Sunette Dairy Co., Inc. Plea of guilty. Fine, \$900. (F. D. C. No. 24284. Sample Nos. 8858-K, 12507-K.)**

**INFORMATION FILED:** January 25, 1949, Southern District of New York, against Sunette Dairy Co., Inc., New York, N. Y.

**ALLEGED SHIPMENT:** On or about January 13 and 19, 1948, from the State of New York into the States of New Jersey and Pennsylvania.

**LABEL, IN PART:** "Meadow Brands Pasteurized Cheese American Distributed by Meadow Brands Inc. New York, N. Y." or "Sunette's Pasteurized American."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), the product in one of the shipments contained more than 39 percent of moisture and its solids contained less than 50 percent of milk fat.

Misbranding, Section 403 (g) (1), the product in the aforesaid shipment failed to conform to the definition and standard of identity for cheese since it contained more than 39 percent of moisture and its solids contained less



than 50 percent of milk fat; and, Section 403 (i) (2), the product in the remaining shipment was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

**DISPOSITION:** February 24, 1949. A plea of guilty having been entered, the defendant was fined \$900.

**14386. Adulteration of Cheddar cheese. U. S. v. National Cheese Co. Plea of guilty. Fine of \$1,000 and costs. (F. D. C. No. 25598. Sample Nos. 43121-K to 43123-K, incl.)**

**INFORMATION FILED:** December 16, 1948, Southern District of Illinois, against the National Cheese Co., a corporation, Aledo, Ill.

**ALLEGED VIOLATION:** The defendant was charged with giving a false guaranty to the Kraft Foods Co. of Wisconsin, Freeport, Ill., on or about November 27, 1947. It provided that all cheese comprising a shipment or delivery made by the defendant to the latter firm would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about June 22 and 29, 1948, the defendant delivered to the Kraft Foods Co. of Wisconsin quantities of Cheddar cheese that was adulterated. The Kraft Foods Co. of Wisconsin prior and subsequent to June 22 and 29, 1948, was engaged in the business of introducing and delivering for introduction into interstate commerce quantities of cheese supplied by the defendant.

**LABEL, IN PART:** "Illinois Cheddar Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, manure fragments, and plant fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 15, 1949. A plea of guilty having been entered, the court imposed a fine of \$1,000 and costs.

**14387. Adulteration of Colby cheese. U. S. v. The Fostoria Union Dairy Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 26295. Sample No. 15421-K.)**

**INFORMATION FILED:** January 3, 1949, Northern District of Ohio, against the Fostoria Union Dairy Co., a corporation, Fostoria, Ohio.

**ALLEGED SHIPMENT:** On or about August 12, 1948, from the State of Ohio into the State of Michigan.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, including fragments of flies, and manure fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 13, 1949. A plea of guilty having been entered, the defendant was fined \$100 and costs.

**14388. Adulteration of Swiss cheese. U. S. v. John Grossniklaus (Alpine Cheese Factory). Plea of guilty. Fine, \$250 and costs. (F. D. C. No. 26298. Sample No. 6905-K.)**

**INFORMATION FILED:** December 31, 1948, Northern District of Ohio, against John Grossniklaus, trading as the Alpine Cheese Factory, Wilmot, Ohio.



**ALLEGED SHIPMENT:** On or about April 1, 1948, from the State of Ohio into the State of Pennsylvania.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and rodent excreta fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 21, 1949. A plea of guilty having been entered, the defendant was fined \$250 and costs.

**14389. Adulteration and misbranding of creamed cottage cheese. U. S. v. Cloverleaf Dairy. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 25571. Sample Nos. 28799-K, 28981-K.)**

**INFORMATION FILED:** September 9, 1948, District of Utah, against the Cloverleaf Dairy, a corporation, Salt Lake City, Utah.

**ALLEGED SHIPMENT:** On or about May 13 and 14, 1948, from the State of Utah into the State of Nevada.

**LABEL, IN PART:** "Cloverleaf Creamed Cottage Cheese 16 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for creamed cottage cheese since it contained less than 4 percent by weight of milk fat, the minimum milk fat permitted by the standard for creamed cottage cheese.

Further misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents (the article was short-weight); and, Section 403 (e) (1), it failed to bear a label containing the place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** October 1, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

### MISCELLANEOUS DAIRY PRODUCTS

**14390. Adulteration of ice cream, ice cream mix, and butter. U. S. v. Akron Creamery Co. and Otto C. Larsen. Pleas of guilty. Fine of \$450 and costs against company and \$30 against individual. (F. D. C. No. 25336. Sample Nos. 24350-K to 24352-K, incl., 24403-K to 24405-K, incl.)**

**INFORMATION FILED:** November 12, 1948, Northern District of Iowa, against the Akron Creamery Co., a partnership, Akron, Iowa, and Otto C. Larsen, a partner.

**ALLEGED SHIPMENT:** On or about September 11 and 13, 1947, and June 5, 1948, from the State of Iowa into the States of South Dakota and Nebraska.

**LABEL, IN PART:** "Sunnyside Creamery Butter," "Chocolate Chip," "Sunnyside Ice Cream Vanilla [or "Raspberry Marvel"]," "Quality Ice Cream Chocolate."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect fragments, manure fragments, rodent hairs, a cow hair, a feather fragment, insects, insect eggs, and moldy fruit pulp; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Further adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the butter; and, Section 402 (b) (2), a product

which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** March 22, 1949. Pleas of guilty having been entered, the court imposed a fine of \$450 and costs against the company and a fine of \$30 against the individual.

**14391. Adulteration of cream. U. S. v. 1 Can \* \* \* (and 5 other seizure actions. (F. D. C. Nos. 27032 to 27035, incl., 27255, 27256. Sample Nos. 29293-K, 29668-K, 49060-K, 49913-K, 49919-K, 49920-K.)**

**LIBELS FILED:** February 28 and March 15 and 23, 1949, District of Colorado.

**ALLEGED SHIPMENT:** On or about February 22 and March 1, 12, 19, and 20, 1949, by S. B. Baker, from Wallace, Nebr.; Bessie Knight, Benkelman, Nebr.; Louie & Milt Produce Co., Goodland, Kans.; the Soukup Produce Co., Ellsworth, Kans.; Cox Produce, Colby, Kans.; and Vandruff Smiley, Broadwater, Nebr.

**PRODUCT:** 7 10-gallon cans of cream at Denver, Colo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, and putrid animal substance. Samples taken from the various shipments contained one or more of the following types of filth: Rodent hairs, feather barbules, part of a rodent excreta pellet, nondescript dirt, rodent-like hairs, hairs resembling those of a cat, and a whole mouse.

**DISPOSITION:** March 3 and April 18 and 26, 1949. Default or consent decrees of condemnation and destruction.

**14392. Adulteration and misbranding of oleomargarine. U. S. v. 14 Cases \* \* \*. (F. D. C. No. 26551. Sample No. 20452-K.)**

**LIBEL FILED:** February 18, 1949, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about January 22, 1949, by the Cudahy Packing Co., from Omaha, Nebr.

**PRODUCT:** 14 cases, each containing 24 1-pound cartons of oleomargarine at Council Bluffs, Iowa.

**LABEL, IN PART:** "Cudahy's Delrich E-Z Color Pak Vegetable Oleomargarine Net Weight One Pound."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oleomargarine since it contained less than 80 percent of fat.

**DISPOSITION:** April 1, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

## EGGS

**14393. Adulteration of frozen whole eggs. U. S. v. 137 Cans \* \* \*. (F. D. C. No. 26577. Sample No. 5643-K.)**

**LIBEL FILED:** February 9, 1949, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about July 2, 1948, by Selby Produce Co., Inc., from Burlington, Iowa.

**PRODUCT:** 137 30-pound cans of frozen whole eggs at Boston, Mass.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** March 3, 1949. The Chapin & Adams Corp., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 36 cans were found unfit and were destroyed.

**14394. Adulteration of frozen whole eggs. U. S. v. 105 Cans \* \* \*. (F. D. C. No. 24629. Sample No. 24091-K.)**

**LIBEL FILED:** May 14, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about April 29, 1948, by the Landsberger Creamery & Produce Co., from Sisseton, S. Dak.

**PRODUCT:** 105 30-pound cans of frozen whole eggs at St. Paul, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** August 19, 1948. The Landsberger Creamery & Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation and the denaturing of the unfit portion, under the supervision of the Federal Security Agency. Eighty-two cans of the product were found unfit and were denatured.

**14395. Adulteration of dried whole egg sweepings and dried whole eggs. U. S. v. 40 Barrels, etc. (and 1 other seizure action). (F. D. C. Nos. 24125, 24126. Sample Nos. 9267-K, 9268-K.)**

**LIBEL FILED:** November 26, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 3 and 6, 1947, by the Alford Terminal Warehouse and the Alford Refrigerated Warehouse, Dallas, Tex.

**PRODUCT:** 2 110-pound barrels of a product purporting to be dried whole eggs, and 40 125-pound barrels, 1 104-pound barrel, and 3 30-pound paper bags of dried whole eggs sweepings at New York, N. Y.

**LABEL, IN PART:** (41 barrels) "Dried Whole Egg Sweepings." The paper bags and the 2 110-pound barrels were unlabeled.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances and were otherwise unfit for food. (The products were contaminated with metal fragments, broom straws, brush fibers, string, soot, and miscellaneous dirt such as is found in floor sweepings.)

**DISPOSITION:** March 1, 1948. Edson & Pratt, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment was entered ordering the products released under bond for the separation of the fit from the unfit, under the supervision of the Food and Drug Administration, and the denaturing of the unfit for use as animal feed. The reconditioning operations were not successful, and the products were denatured.

## FEEDS AND GRAINS

**14396. Adulteration and misbranding of ground barley feed. U. S. v. Sam H. Greene (Sam Greene Farms). Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 23602. Sample No. 32801-H.)**

INFORMATION FILED: January 14, 1948, Northern District of Illinois, against Sam H. Greene, trading as Sam Greene Farms, Harvard, Ill.

ALLEGED SHIPMENT: On or about April 25, 1947, from the State of Illinois into the State of Indiana.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of barley, weed seeds, broken weed seeds, weed seed coats, and material other than barley had been substituted for ground barley feed; and, Section 402 (b) (4), weed seeds, broken weed seeds, weed seed coats, and material other than barley had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength.

Misbranding, Section 403 (b), the product was offered for sale under the name of another food since it was invoiced as ground barley feed.

DISPOSITION: June 15, 1948. A plea of nolo contendere having been entered, the defendant was fined \$100 and costs.

**14397. Adulteration of soybean oil meal. U. S. v. Owensboro Grain Co. Plea of guilty. Fine, \$400 and costs. (F. D. C. No. 25286. Sample No. 39268-K.)**

INFORMATION FILED: September 2, 1948, Western District of Kentucky, against the Owensboro Grain Co., a corporation, Owensboro, Ky.

ALLEGED SHIPMENT: On or about December 24, 1947, from the State of Kentucky into the State of Maryland.

LABEL, IN PART: "Greendale 41% Protein Soy Bean Oil Meal."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of soybean oil meal and calcium carbonate had been substituted for soybean oil meal.

DISPOSITION: February 28, 1949. A plea of guilty having been entered, the court imposed a fine of \$400 and costs.

**14398. Misbranding of cottonseed meal. U. S. v. The Southern Cotton Oil Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 25294. Sample Nos. 39584-K to 39586-K, incl.)**

INFORMATION FILED: September 1, 1948, Western District of Louisiana, against the Southern Cotton Oil Co., a corporation, Natchitoches, La.

ALLEGED SHIPMENT: On or about March 26 and 31 and April 10, 1948, from the State of Louisiana into the State of Texas.

LABEL, IN PART: "41% Protein Cottonseed Meal \* \* \* Crude Protein not less than . . . 41.00 Per Cent."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Crude Protein not less than . . . 41.00 Per Cent" was false and misleading since the product contained less than 41 percent of protein.

DISPOSITION: October 18, 1948. A plea of nolo contendere having been entered, a fine of \$300 was imposed.

**14399. Adulteration of dog food. U. S. v. 2,176 Cases, etc. (F. D. C. No. 26410. Sample No. 3744-K.)**

LIBEL FILED: January 25, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about February 4, 1948, from East Pembroke, N. Y.

PRODUCT: 3,727 cases, each containing 12 2-pound jars, of dog food at Norfolk, Va.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 16, 1949. Default decree of condemnation and destruction.

**14400. Misbranding of All Stock Mineral. U. S. v. Pearson-Ferguson Chemical Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 26296. Sample No. 49981-K.)**

**INFORMATION FIELD:** December 1, 1948, Western District of Missouri, against the Pearson-Ferguson Chemical Co., a corporation, Kansas City, Mo.

**ALLEGED SHIPMENT:** On or about October 27, 1947, from the State of Missouri into the State of Kansas.

**LABEL, IN PART:** "P-F All Stock Mineral \* \* \* Phosphorus (P) not less than 6.00% Salt (NaCl) not more than 10.00%."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements "Salt (NaCl) not more than 10.00%" and "Phosphorus (P) not less than 6.00%" were false and misleading since the product contained more than 10 percent of salt and less than 6 percent of phosphorus.

**DISPOSITION:** February 11, 1949. A plea of guilty having been entered, the defendant was fined \$100 and costs.

## FISH AND SHELLFISH

**14401. Misbranding of salt herring. U. S. v. 52 Pails \* \* \*. (F. D. C. No. 26887. Sample Nos. 1372-K, 1635-K.)**

**LIBEL FILED:** March 22, 1949, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about October 7, 1948, by the O. H. Dickman Fish Co., from Cincinnati, Ohio.

**PRODUCT:** 52 pails of salt herring at Macon, Ga.

**LABEL, IN PART:** "H & F Herring, Salt 6 Lbs."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The pails contained less than 6 pounds, the declared weight.)

**DISPOSITION:** April 21, 1949. Default decree of condemnation and destruction.

**14402. Adulteration and misbranding of canned mackerel. U. S. v. 11 Cases \* \* \*. (F. D. C. No. 26438. Sample No. 883-K.)**

**LIBEL FILED:** February 1, 1949, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about April 29, 1948, by Parrott & Co., from Los Angeles, Calif.

**LABEL, IN PART:** "Ameri-Cana Brand California Mackerel \* \* \* Packed by Ameri-Cana Fisheries, Wilmington, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), horse (jack) mackerel had been substituted for mackerel, which the product was represented to be. Misbranding, Section 403 (a), the label statement "California Mackerel" was false and misleading.

**DISPOSITION:** March 29, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution.

**14403. Adulteration and misbranding of canned salmon.** U. S. v. J. Lowery Harrison (Kent Packing Co.), Meyer L. Kanner, and Harry Hershenstein. Pleas of guilty. J. Lowery Harrison fined \$50 and costs and Meyer L. Kanner and Harry Hershenstein each fined \$100 and costs. (F. D. C. No. 24255. Sample Nos. 66771-H, 66773-H, 66774-H.)

**INFORMATION FILED:** August 24, 1948, District of Maryland, against J. Lowery Harrison, trading as the Kent Packing Co., Rock Hall, Md., and Meyer L. Kanner and Harry Hershenstein, New York, N. Y.

**ALLEGED SHIPMENT:** On or about July 19 and August 2, 1947, from the State of Maryland into the State of New York.

**LABEL, IN PART:** "Jo-Mey Pink [or "Red"] Salmon Food Marketers Distributors New York, N. Y."

**NATURE OF CHARGE:** Section 402 (b) (2), species of salmon other than pink salmon had been substituted for pink salmon in one of the shipments, and a species of salmon other than red salmon had been substituted for red salmon in the second shipment; and, Section 402 (a) (3), the product in the third shipment consisted in part of a decomposed substance by reason of the presence of decomposed salmon.

Misbranding, Section 403 (a), the statements "Pink Salmon" and "Red Salmon" on the labels of the product in two of the shipments were false and misleading.

**DISPOSITION:** December 3, 1948. J. Lowery Harrison entered a plea of guilty and was fined \$50 and costs. Meyer L. Kanner entered a plea of guilty and was fined \$100 and costs. Harry Hershenstein entered a plea of guilty to all counts, with the exception of count 3 charging the shipment in interstate commerce of decomposed salmon; count 3 was nolle prossed and he was fined \$100 and costs.

**14404. Adulteration and misbranding of canned sardines.** U. S. v. 845 Cases \* \* \* (and 4 other seizure actions). (F. D. C. Nos. 25163, 25164, 25560, 26024, 26031. Sample Nos. 4899-K, 4908-K, 5580-K, 8909-K, 9855-K, 10944-K.)

**LIBELS FILED:** August 5, September 7, and November 9 and 12, 1948, Eastern and Southern Districts of New York, District of Massachusetts, and District of Connecticut; amended libel filed August 16, 1948, in the Eastern District of New York.

**ALLEGED SHIPMENT:** On or about April 8, 19, 26, and 30, 1948, from San Francisco and Alameda, Calif., by the Romeo Packing Co.

**PRODUCT:** Canned sardines. 845 cases at Brooklyn, N. Y.; 588 cases at New York, N. Y.; 34 cases at Boston, Mass., and 147 cans at Brockton, Mass.; and 12 cases at Waterbury, Conn. Each case contained 48 15-ounce cans.

**LABEL, IN PART:** "Valco California Sardines In Tomato Sauce" or "Allied Brand California Sardines In Tomato Sauce \* \* \* Packed for Allied Produce Company, San Francisco, California."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the Brooklyn and the New York lots of the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed herring, and the other lots of the product were unfit for food by reason of a disagreeable metallic taste; and, Section 402 (b) (2), herring in a thin, watery packing medium



had been substituted in whole or in part for sardines in tomato sauce, in the case of the Brooklyn and New York lots.

Misbranding, Section 403 (a), the designation "California Sardines In Tomato Sauce" on the label of the Brooklyn and New York lots of the product was false and misleading as applied to an article consisting of herring in a thin watery packing medium, and the name "California Sardines" on the label of the other lots was false and misleading as applied to an article consisting of sea herring.

**DISPOSITION:** August 27, October 1, and November 15, 1948, and January 5 and April 4, 1949. Default decrees of condemnation and destruction.

**14405. Adulteration and misbranding of canned sardines. U. S. v. 33 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 25447, 25691, 25736. Sample Nos. 15553-K, 23770-K, 23428-K.)**

**LIBELS FILED:** September 8 and October 5 and 22, 1948, Eastern District of Michigan and Southern and Eastern Districts of Texas.

**ALLEGED SHIPMENT:** On or about June 23, July 24, and August 2, 1948, by the Harris-Cove Packing Co., from Eastport, Maine.

**PRODUCT:** 687 cases, each containing 48 cans, of sardines at Detroit, Mich., and Houston and Beaumont, Tex.

**LABEL, IN PART:** "Arctic Brand Sardines In Tomato Sauce Net Wt. 15 Oz. Avoir."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), large sea herring had been substituted in whole or in part for sardines; and, Section 402 (a) (3), a portion of the article consisted in part of a decomposed substance by reason of the presence of decomposed fish.

Misbranding, Section 403 (a), the name "Sardines" and the picture of the pilchard sardine on the label of the article were false and misleading as applied to an article consisting of large sea herring; and, Section 403 (e) (2), one shipment of the article failed to bear a label containing an accurate statement of the quantity of the contents (this shipment was short-weight).

**DISPOSITION:** February 8 and 15 and March 3, 1949. Default decrees of condemnation. The portion of the product which was not decomposed (33 cases) was ordered delivered to a Federal institution, for the use and consumption of the inmates, and the remainder of the product was ordered destroyed.

**14406. Adulteration of canned sardines. U. S. v. 27 Cases \* \* \*. (F. D. C. No. 26629. Sample No. 48155-K.)**

**LIBEL FILED:** March 2, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about June 21, 1948, by the Wm. H. Morse Co., from New York, N. Y.

**PRODUCT:** 27 cases, each containing 48 15-ounce cans, of sardines at Allentown, Pa.

**LABEL, IN PART:** "Ameri-Cana Brand \* \* \* California Sardines in Tomato Sauce Packed \* \* \* By Ameri-Cana Fisheries Wilmington, California."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish; and, Section 402 (b) (2), in some of the cans, mackerel had been substituted in whole or in part for sardines.

**DISPOSITION:** April 6, 1949. Default decree of condemnation and destruction.

**14407. Misbranding of canned sardines. U. S. v. 65 Cases \* \* \*. (F. D. C. No. 26196. Sample No. 37929-K.)**

**LIBEL FILED:** December 3, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 1, 1948, by Van Camp Sea Food Co., Inc., from Astoria, Oreg.

**PRODUCT:** 65 cases, each containing 100 cans, of sardines at Tacoma, Wash.

**LABEL, IN PART:** "Van Camp's California Tin-Apa Brand Lightly Smoked Sardines in Tomato Sauce."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Lightly Smoked" was false and misleading as applied to an article which had not been subjected to a smoking process and which had no flavor or odor of smoke; and the vignette depicting 4 pieces of sardines on a plate, was misleading as applied to the article which consisted of only 3 pieces of fish per can.

**DISPOSITION:** March 26, 1949. Van Camp Sea Food Co., Inc., Terminal Island, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

**14408. Adulteration of frozen sardines. U. S. v. 70 Cartons \* \* \*. (F. D. C. No. 25860. Sample Nos. 10323-K, 10324-K.)**

**LIBEL FILED:** October 19, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 12, 1948, by D. Baker, Sebasco Estates, Maine.

**PRODUCT:** 70 cartons, each containing 50 pounds, of frozen sardines at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed sardines.

**DISPOSITION:** November 17, 1948. Default decree of condemnation and destruction.

**14409. Adulteration of tullibeas. U. S. v. 3 Boxes, etc. (F. D. C. No. 23985. Sample Nos. 6405-K to 6408-K, incl.)**

**LIBEL FILED:** November 26, 1947, Western District of New York.

**ALLEGED SHIPMENT:** On or about October 16, 19, 25, and 31, 1947, by Waldman's Fish Co., from Montreal, Canada.

**PRODUCT:** 14 100-pound boxes of tullibeas at Rochester, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** December 30, 1947. Default decree of condemnation and destruction.

**14410. Adulteration of frozen whiting. U. S. v. 516 Cartons \* \* \*. (F. D. C. No. 23810. Sample No. 14303-K.)**

**LIBEL FILED:** October 23, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 29, 1947, by L. S. Elderidge & Son, from Fairhaven, Mass.

**PRODUCT:** 516 10-pound cartons of frozen whiting at Chicago, Ill.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance.

**DISPOSITION:** March 18, 1948. Default decree of condemnation and destruction.

**14411. Adulteration of crab meat. U. S. v. P. K. Hunt & Son and Powatan K. Hunt. Defendants each fined \$125. (F. D. C. No. 26299. Sample Nos. 3706-K, 3709-K.)**

**INFORMATION FILED:** January 25, 1949, Eastern District of Virginia, against P. K. Hunt & Son, a partnership, Hampton, Va., and Powatan K. Hunt, partner and general manager.

**ALLEGED SHIPMENT:** On or about August 25, 1948, from the State of Virginia into the States of Maryland and Pennsylvania.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, as evidenced by the presence in the food of fecal *Escherichia coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 7, 1949. A plea of guilty having been entered, the defendants were each fined \$125.

**14412. Adulteration of crab meat. U. S. v. Marion F. Quinn (M. F. Quinn, Successor to McMenammin Co.), and Floyd W. Moore. Pleas of guilty. Defendants each fined \$125. (F. D. C. No. 26300. Sample Nos. 3711-K, 3712-K, 3722-K, 3726-K.)**

**INFORMATION FILED:** January 25, 1949, Eastern District of Virginia, against Marion F. Quinn, an individual, trading as M. F. Quinn, Successor to McMenammin Co., Hampton, Va., and Floyd W. Moore, manager of the Hampton, Va., plant.

**ALLEGED SHIPMENT:** On or about August 26, 30, and 31, 1948, from the State of Virginia into the States of Pennsylvania, South Carolina, Maryland, and the District of Columbia.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, as evidenced by the presence of fecal *Escherichia coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 7, 1949. Pleas of guilty having been entered, the defendants were each fined \$125.

**14413. Adulteration of crab meat. U. S. v. 1 Barrel, etc. (F. D. C. No. 25539. Sample No. 2055-K.)**

**LIBEL FILED:** June 28, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about June 23, 1948, by the Garland F. Fulcher Seafood Co., from Oriental, N. C.

**PRODUCT:** 1 barrel, containing 115 1-pound cans, and 2 barrels, containing 111 1-pound cans of crab meat at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (Analysis showed that the product was contaminated with *E. Coli* of fecal origin.)

**DISPOSITION:** July 30, 1948. Default decree of condemnation and destruction.

**14414. Adulteration of frozen lobster meat. U. S. v. 460 Cans, etc. (F. D. C. No. 26651. Sample Nos. 11209-K, 11210-K, 11214-K.)**

**LIBEL FILED:** March 15, 1949. Southern District of New York.

**ALLEGED SHIPMENT:** On or about February 3, 1949, by A & R Loggie Co., Ltd., from Richibucto, New Brunswick, Canada.

**PRODUCT:** 2,072 14-ounce cans of frozen lobster meat at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed lobster meat.

**DISPOSITION:** April 7, 1949. Default decree of condemnation and destruction.

**14415. Adulteration of canned rock lobster. U. S. v. 37 Cans, etc. (F. D. C. No. 26426. Sample No. 4853-K.)**

**LIBEL FILED:** January 24, 1949; amended libel filed February 2, 1949, District of Connecticut.

**ALLEGED SHIPMENT:** On or about December 30, 1948, from the State of Massachusetts into the State of Connecticut.

**PRODUCT:** 37 6-ounce cans and 3 6¾-ounce cans of rock lobster at Putnam, Conn.

**LABEL, IN PART:** "Dubonnet Rock [or "Deep Blue Rock"] Lobster \* \* \* Product of the Union of South Africa."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed lobster meat.

**DISPOSITION:** February 2, 1949. Default decree of condemnation and destruction.

**14416. Adulteration of canned shrimp. U. S. v. 50 Cases \* \* \*. (F. D. C. No. 26042. Sample No. 10107-K.)**

**LIBEL FILED:** November 17, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 14, 19, and 30, and September 30, 1948, by the Skrimetta Seafood Co., from New Orleans, La.

**PRODUCT:** 50 cases, each containing 48 5-ounce cans, of shrimp at New York, N. Y.

**LABEL, IN PART:** "Sea Treasure Brand Shrimp."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** December 13, 1948. Gristede Brothers, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit portion, under the supervision of the Federal Security Agency. A total of 587 cans were segregated as unfit and were subsequently destroyed.

**14417. Adulteration and misbranding of frozen shrimp. U. S. v. 20 Cases \* \* \* (F. D. C. No. 26517. Sample Nos. 29397-K, 29399-K.)**

**LIBEL FILED:** February 15, 1949, District of Colorado.



**ALLEGED SHIPMENT:** On or about January 26, 1949, by Gulf Sea Foods, Inc., from Calexico, Calif.

**PRODUCT:** 20 cases, each containing 8 5-pound cartons, of frozen shrimp at Denver, Colo.

**LABEL, IN PART:** "Fresh Frozen Shrimp \* \* \* Product of Mexico."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and address of the manufacturer, packer, or distributor.

**DISPOSITION:** April 18, 1949. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**14418. Adulteration of canned sliced apples. U. S. v. 446 Cases \* \* \*.** (F. D. C. No. 26875. Sample No. 47011-K.)

**LIBEL FILED:** March 18, 1949, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 21, 1948, from Provo, Utah.

**PRODUCT:** 446 cases, each containing 6 6-pound cans, of sliced apples at Youngstown, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 22, 1949. Default decree of condemnation and destruction.

**14419. Adulteration of canned apples. U. S. v. 4,572 Cases \* \* \*.** (F. D. C. No. 26205. Sample No. 21888-K.)

**LIBEL FILED:** On or about December 9, 1948, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about July 28 and 30, 1948, from Grand Junction, Colo.

**PRODUCT:** 4,572 cases, each containing 6 6-pound cans, of apples at Kansas City, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 9, 1949. Default decree of condemnation and destruction.

**14420. Misbranding of canned apples and canned cherries. U. S. v. 200 Cases of canned apples and 100 Cases of canned cherries.** (F. D. C. No. 23703. Sample Nos. 99877-H, 99878-H.)

**LIBEL FILED:** September 18, 1947, District of Kansas.

**ALLEGED SHIPMENT:** On or about July 29, 1947, by the Colorado Mountain Foods Co., from Grand Junction, Colo.

**PRODUCT:** 200 cases, each containing 24 cans, of apples, and 100 cases, each containing 24 cans, of cherries at Topeka, Kans.

**LABEL, IN PART:** "Mellhorn Brand Pie Queen Sliced Apples in Syrup Net Contents 1 Lb. 10 Oz." or "Rainbow Brand Water Pack Sour Pitted Red Cherries Contents 1 Lb. 3 Oz."

**NATURE OF CHARGE:** Apples. Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the declared weight.)

Cherries. Misbranding, Section 403 (h) (1), the product fell below the standard of quality for pitted canned cherries since it contained excessive pits and failed to bear the substandard legend.

**DISPOSITION:** April 5, 1948. Default decree of condemnation. The products were ordered delivered to a charitable institution.

**14421. Adulteration of canned apricots. U. S. v. 17 Cases \* \* \*. (F. D. C. No. 26883. Sample No. 53155-K.)**

**LIBEL FILED:** March 21, 1949, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about October 22, 1948, by Libby, McNeil & Libby, from Oakland, Calif.

**PRODUCT:** 17 cases, each containing 24 1-pound, 1-ounce cans, of apricots at New Orleans, La.

**LABEL, IN PART:** "Libby's Unpeeled Halves Apricots in Heavy Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of glass fragments.

**DISPOSITION:** April 20, 1949. Default decree of condemnation and destruction.

**14422. Adulteration of canned blueberries. U. S. v. 1,248 Cases \* \* \*. (F. D. C. No. 22615. Sample No. 54050-H.)**

**LIBEL FILED:** March 10, 1947, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 17, 1946, by the Sea-Land Frosted Foods Corp., from Fruitland, N. Y.

**PRODUCT:** 1,248 cases, each containing 24 1-pound, 4-ounce cans, of blueberries at Toledo, Ohio.

**LABEL, IN PART:** "Sea-Land Selected Blueberries."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten blueberries.

**DISPOSITION:** September 18, 1947. The Sea-Land Frosted Foods Corp. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be exported to Canada or any other foreign country, under the supervision of the Food and Drug Administration. On March 31, 1948, that portion of the decree providing for the release of the product under bond for exportation was vacated and set aside, and the product was ordered advertised and sold for use as animal feed.

June 18, 1948. Since the product was not sold, it was ordered destroyed.

**14423. Adulteration of canned blueberries. U. S. v. 100 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26669, 26823. Sample Nos. 46996-K, 47001-K.)**

**LIBELS FILED:** March 1 and 3, 1949, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 13 and 22, 1948, by the Sea-Land Foods Corp., from Boston, Mass.

**PRODUCT:** Canned blueberries. 20 cases, each containing 24 1-pound, 4-ounce cans, at Altoona, Pa., and 100 cases, each containing 24 14½-ounce cans, at Pittsburgh, Pa.



**LABEL, IN PART:** "Sea-Land Selected Blueberries."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed blueberries.

**DISPOSITION:** March 30 and 31, 1949. Default decrees of condemnation and destruction.

**14424. Misbranding of canned cherries. U. S. v. 408 Cases \* \* \*. (F. D. C. No. 26489. Sample Nos. 37392-K, 37399-K, 37400-K, 41201-K.)**

**LIBEL FILED:** January 31, 1949, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 17, 1948, by Reynolds Brothers, Inc., from Sturgeon Bay, Wis.

**PRODUCT:** 408 cases, each containing 6 6-pound, 9-ounce cans, of cherries at Seattle, Wash.

**LABEL, IN PART:** "Chere-Pi-Pak Reynolds Sturgeon Bay Pitted Tart Red Pie Cherries."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned cherries since more than one pit was present in each 20 ounces of canned cherries and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** March 8, 1949. Reynolds Brothers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

**14425. Misbranding of canned pears. U. S. v. 450 Cases \* \* \*. (F. D. C. No. 26401. Sample No. 36570-K.)**

**LIBEL FILED:** January 12, 1949, Eastern District of New York; amended libel filed January 26, 1949.

**ALLEGED SHIPMENT:** On or about December 16, 1948, by the Apple Growers Assoc., Inc., from Hood River, Oreg.

**PRODUCT:** 150 cases, each containing 6 6-pound, 8-ounce cans, of pears at Brooklyn, N. Y.

**LABEL, IN PART:** "Silver Grille Brand Hood River Halves Bartlett Pears."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since not all of the units were untrimmed or so trimmed as to preserve normal shape, and it failed to bear the substandard legend.

**DISPOSITION:** February 23, 1949. Apple Growers Assoc., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

**14426. Misbranding of canned pears. U. S. v. 264 Cases \* \* \*. (F. D. C. No. 25733. Sample No. 48970-K.)**

**LIBEL FILED:** November 3, 1948, District of Colorado.

**ALLEGED SHIPMENT:** On or about July 3, 1948, by the Apple Growers Assoc., Inc., from Hood River, Oreg.

**PRODUCT:** 264 cases of canned pears at Denver, Colo.



**LABEL, IN PART:** "Silver Grille Brand Hood River Bartlett Pear Halves in Light Syrup Net Weight 1 Lb. 13 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned pear halves since not all units of the article were untrimmed or so trimmed as to preserve normal shape, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** The Apple Growers Assoc., Inc., having appeared as claimant and having filed a petition for release of the product, an order was entered on January 6, 1949, providing for the release of the product under bond for segregation, sampling, and examination by the claimant and the Federal Security Agency. On February 24, 1949, the parties having consented to the entry of a decree condemning a portion of the product and releasing the remainder, judgment was entered ordering that 166 $\frac{1}{6}$  cases be released on the ground that they were not misbranded and that the remainder of the product be condemned and released to the claimant for relabeling, under the supervision of the Federal Security Agency.

**14427. Misbranding of canned fruit cocktail. U. S. v 407 Cases \* \* \*.**  
(F. D. C. No. 25905. Sample No. 25731-K.)

**LIBEL FILED:** November 5, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 1, 1948, by the F. G. Wool Packing Co., from San Jose, Calif.

**PRODUCT:** 407 cases, each containing 6 6-pound, 14-ounce cans, of fruit cocktail at Minneapolis, Minn.

**LABEL, IN PART:** "Monarch Fruit Cocktail Packed In Extra Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned fruit cocktail, a food for which a definition and standard of identity had been prescribed by regulations, and its label failed to bear as the regulations require, the name of the optional packing medium present in the article. The label bore the statement "In Extra Heavy Syrup," whereas the article was packed in sirup designated as "heavy sirup" in such standard.

**DISPOSITION:** January 3, 1949. Reid Murdoch, a Division of Consolidated Grocers Corporation Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

### **DRIED FRUIT**

**14428. Adulteration of dehydrated apples. U. S. v. 560 Boxes \* \* \*.** (F. D. C. No. 25947. Sample No. 18653-K.)

**LIBEL FILED:** November 17, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 25 and December 31, 1946, from Oakland, Calif.

**PRODUCT:** 560 50-pound boxes of dehydrated apples at Cincinnati, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 31, 1948. Default decree of condemnation and destruction.



**14429. Adulteration of dried grapes. U. S. v. 115 Cartons \* \* \*. (F. D. C. No. 26824. Sample No. 7919-K.)**

**LIBEL FILED:** March 3, 1949, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about January 24, 1946, from San Francisco, Calif.

**PRODUCT:** 115 25-pound cartons of dried grapes at Pittsburgh, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of fermentation and the presence of mold. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 30, 1949. Default decree of condemnation and destruction.

**14430. Adulteration of dried peaches. U. S. v. 333 Cases \* \* \*. (F. D. C. No. 26428. Sample No. 2769-K.)**

**LIBEL FILED:** January 24, 1949, District of Columbia.

**ALLEGED SHIPMENT:** On or about August 25, 1948, by Rosenberg Brothers & Co., from Oakland, Calif.

**PRODUCT:** 333 30-pound cases of dried peaches at Washington, D. C.

**LABEL, IN PART:** "Magnolia Brand California Dried Extra Choice Recleaned Muir Peaches."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of fermented peaches.

**DISPOSITION:** March 24, 1949. Default decree of condemnation. The product was ordered delivered to the National Zoological Park, or destroyed.

**14431. Adulteration of dried peaches. U. S. v. 49 Cases \* \* \*. (F. D. C. No. 26611. Sample No. 33835-K.)**

**LIBEL FILED:** February 25, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 26, 1949, by Rosenberg Brothers & Co., from Oakland, Calif.

**PRODUCT:** 49 30-pound cases of dried peaches at New York, N. Y.

**LABEL, IN PART:** "California Dried Varigrade Peaches."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of moldy peaches.

**DISPOSITION:** March 16, 1949. Default decree of condemnation and destruction.

**14432. Adulteration of prunes. U. S. v. 92 Cases \* \* \*. (F. D. C. No. 25885. Sample No. 37735-K.)**

**LIBEL FILED:** October 29, 1948, District of Idaho.

**ALLEGED SHIPMENT:** On or about April 26, 1948, from Ontario, Oreg.

**PRODUCT:** 92 30-pound cases of prunes at Boise, Idaho.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 1, 1948. Default decree of forfeiture and destruction.

**14433. Adulteration of prunes. U. S. v. 42 Cartons \* \* \*. (F. D. C. No. 26240. Sample No. 44606-K.)**

**LIBEL FILED:** December 28, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about March 12, 1948, from San Jose, Calif.

**PRODUCT:** 42 25-pound cartons of prunes at Hopkins, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 24, 1949. A default decree was entered, ordering the product used for animal feed or destroyed.

**14434. Adulteration of prunes. U. S. v. 20 Cartons \* \* \*. (F. D. C. No. 26674. Sample No. 7924-K.)**

**LIBEL FILED:** March 2, 1949, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 25, 1946, from San Leandro, Calif.

**PRODUCT:** 20 30-pound cartons of prunes at Pittsburgh, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 31, 1949. Default decree of condemnation and destruction.

**14435. Adulteration of raisins. U. S. v. 126 Cartons \* \* \*. (F. D. C. No. 26431. Sample No. 40241-K.)**

**LIBEL FILED:** January 26, 1949, District of Columbia.

**ALLEGED SHIPMENT:** On or about September 24, 1948, from Fresno, Calif..

**PRODUCT:** 126 30-pound cartons of raisins at Washington, D. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 5, 1949. Default decree of condemnation. The product was ordered delivered to the National Zoological Park, or destroyed.

**14436. Adulteration of raisins. U. S. v. 9 Cartons \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26449, 26450. Sample Nos. 4539-K, 4540-K.)**

**LIBELS FILED:** February 4, 1949, District of New Hampshire.

**ALLEGED SHIPMENT:** On or about March 2, 1948, from Fresno, Calif.

**PRODUCT:** Raisins. 9 30-pound cartons at Dover, N. H., and 106 30-pound cartons at Manchester, N. H.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 1, 1949. Default decrees of condemnation and destruction.

#### FRESH AND FROZEN FRUIT

**14437. Adulteration of blueberries. U. S. v. 1 Crate, etc. (F. D. C. No. 25526. Sample No. 6718-K.)**

**LIBEL FILED:** August 5, 1948, Western District of New York.



**ALLEGED SHIPMENT:** On or about August 4, 1948, by Mrs. J. Alonis, from Tobyhanna, Pa.

**PRODUCT:** Blueberries. 1 crate of 32 1-quart baskets, and 28 1-quart baskets, at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Analysis showed that the product was infested with maggots or larvae.)

**DISPOSITION:** September 7, 1948. Default decree of condemnation and destruction.

**14438. Adulteration of grapefruit. U. S. v. 255 Crates \* \* \*. (F. D. C. No. 26557. Sample No. 46526-K.)**

**LIBEL FILED:** February 23, 1949, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about February 12, 1949, by the Kunik & Gerrick Co., from McAllen, Tex.

**PRODUCT:** 255 crates of grapefruit at St. Louis, Mo.

**LABEL, IN PART:** "Texas Citrus Fruits Indian Brand \* \* \* Seedless Pink 54."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food because of dryness due to frost damage.

**DISPOSITION:** March 28, 1949. Default decree of condemnation and destruction.

**14439. Adulteration of frozen strawberries and frozen red raspberries. U. S. v. Red Bird Frosted Food Co. and Morris Bloom. Pleas of guilty. Sentence against company suspended. Individual fined total of \$2,500 on 3 counts, with imposition of sentence suspended for 3 years on count 4. (F. D. C. No. 25322. Sample Nos. 13231-K, 13232-K, 13236-K, 13237-K.)**

**INFORMATION FILED:** November 5, 1948, District of New Jersey, against the Red Bird Frosted Food Co., a partnership, Camden, N. J., and Morris Bloom, a partner.

**ALLEGED SHIPMENT:** On or about June 8, 9, 23, and 25, 1948, from the State of New Jersey into the State of Pennsylvania.

**LABEL, IN PART:** "Frozen Strawberries [or "Frozen Red Raspberries in Syrup"] Packed by M. Bloom & Co. Camden, N. J."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the strawberries consisted in part of a decomposed substance by reason of the presence of rotten strawberries; and, Section 402 (b) (4), water had been added to the raspberries and mixed and packed with them so as to increase their bulk and weight and reduce their quality and strength.

**DISPOSITION:** December 10, 1948. Pleas of guilty having been entered, the court suspended sentence against the partnership, fined Morris Bloom a total of \$2,500 on three counts, and suspended imposition of sentence on count four against the individual for three years.

**14440. Adulteration of frozen strawberries. U. S. v. M. W. Miller & Co. and Mike W. Miller. Pleas of nolo contendere. Each defendant fined \$750. (F. D. C. No. 24567. Sample Nos. 39453-H, 76521-H.)**

**INFORMATION FILED:** June 14, 1948, Eastern District of Louisiana, against M. W. Miller & Co., a corporation, Hammond, La., and Mike W. Miller, president.



**ALLEGED SHIPMENT:** On or about April 30 and June 2, 1947, from the State of Louisiana into the States of Illinois and Texas.

**LABEL, IN PART:** "All Star Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance, namely, decomposed berries.

**DISPOSITION:** February 18, 1949. Pleas of nolo contendere having been entered, each defendant was fined \$750.

**14441. Adulteration of frozen strawberries. U. S. v. Fast Frozen Foods, Inc.**  
**Plea of nolo contendere. Fine of \$50 and costs. (F. D. C. No. 25311.**  
**Sample Nos. 15224-K, 15225-K.)**

**INFORMATION FILED:** October 8, 1948, Western District of Kentucky, against Fast Frozen Foods, Inc., Paducah, Ky.

**ALLEGED SHIPMENT:** On or about May 27, 1948, from the State of Kentucky into the State of Illinois.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of moldy berries.

**DISPOSITION:** April 18, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$50 and costs.

**14442. Adulteration of frozen strawberries. U. S. v. 787 Cans, etc. (F. D. C. No. 24953. Sample Nos. 15224-K, 15225-K.)**

**LIBEL FILED:** June 23, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about May 27, 1948, by Fast Frozen Foods, Inc., from Paducah, Ky.

**PRODUCT:** 787 22-pound cans and 158 30-pound cans of frozen strawberries at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

**DISPOSITION:** November 18, 1948. Default decree of condemnation and destruction.

**14443. Adulteration and misbranding of frozen mixed fruit. U. S. v. 6 Cartons \* \* \*. (F. D. C. No. 26243. Sample No. 29372-K.)**

**LIBEL FILED:** January 7, 1949, District of Colorado.

**ALLEGED SHIPMENT:** On or about October 11, 1948, by Birds Eye Snider, from Hillsboro, Oreg.

**PRODUCT:** 6 cartons, each containing 48 1-pound packages, of frozen mixed fruit at Denver, Colo.

**LABEL, IN PART:** "Birds Eye Brand Quick-Frozen Mixed Fruit with Syrup Apricots, Boysenberries, Raspberries, Seedless Grapes."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, apricots, had been omitted; and, Section 402 (b) (2), a mixture predominantly of peaches and black and red cherries, with boysenberries, raspberries, and grapes, had been substituted in whole or in part for apricots, boysenberries, raspberries, and seedless grapes.

Misbranding, Section 403 (a), the label statement "Apricots, Boysenberries, Raspberries, Seedless Grapes" was false and misleading; and, Section 403



(i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** March 9, 1949. The General Foods Corp. having appeared as claimant, judgment of condemnation was entered ordering the product released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

#### MISCELLANEOUS FRUIT PRODUCTS\*

**14444. Adulteration and misbranding of grape jelly. U. S. v. Rich & Morgan, Inc. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 26337. Sample Nos. 289-K, 741-K.)**

**INFORMATION FILED:** February 7, 1949, Northern District of Georgia, against Rich & Morgan, Inc., Atlanta, Ga.

**ALLEGED SHIPMENT:** On or about March 1 and July 6, 1948, from the State of Georgia into the States of Florida and Alabama.

**LABEL, IN PART:** "De.Lish.Us Brand Pure Grape Jelly \* \* \* Quality Food Packers Atlanta, Ga."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing artificial coloring and having a soluble-solids content of less than 65 percent, and one shipment of which contained artificial flavoring and was deficient in fruit juice, had been substituted for grape jelly.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for grape jelly since the jelly in both shipments was insufficiently concentrated and the jelly in one of the shipments was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the optional saccharine ingredients specified in the standard. The article failed further to conform to the definition and standard, in that the jelly in both of the shipments contained artificial coloring and one shipment contained artificial flavoring, which substances are not permitted as optional ingredients of grape jelly in the standard.

**DISPOSITION:** March 18, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$200.

**14445. Misbranding of jellies. U. S. v. Keller Food Products Co., Max Keller, and Samuel Keller. Pleas of nolo contendere. Corporation fined \$800; each individual fined \$8. (F. D. C. No. 24778. Sample Nos. 61087-H to 61089-H, incl., 61092-H to 61094-H, incl., 85670-H, 85671-H.)**

**INFORMATION FILED:** June 9, 1948, Eastern District of Pennsylvania, against the Keller Food Products Co., a partnership, Philadelphia, Pa., and Max Keller and Samuel Keller, partners.

**ALLEGED SHIPMENT:** On or about August 14 and 21, 1947, from the State of Pennsylvania into the States of New York and Virginia.

**LABEL, IN PART:** "Keller's Pure Apple Strawberry ["Cherry" or "Grape"] Jelly."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for apple-strawberry,

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\*See also Nos. 14301-14303.



apple-cherry, or apple-grape jelly, since they were made from a mixture composed of less than 45 parts by weight of the fruit juice ingredients to each 55 parts by weight of one of the optional saccharine ingredients; and the products had not been concentrated by heat to the point where their soluble-solids content was not less than 65 percent.

DISPOSITION: January 11, 1949. Pleas of nolo contendere having been entered, the partnership was fined \$100 on each of 8 counts and each individual was fined \$1 on each of the 8 counts.

**14446. Adulteration of canned strained apricots with farina. U. S. v. 798 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 25703, 25704, 25861. Sample Nos. 23128-K, 30141-K, 37924-K.)**

LIBELS FILED: October 15, 19, and 20, 1948, Northern District of Texas, Western District of Washington, and District of Arizona.

ALLEGED SHIPMENT: On or about July 20, 22, and 24, 1948, by the Gerber Products Co., from Fruitvale and Oakland, Calif.

PRODUCT: 798 cases, each containing 48 4¾-ounce cans, of strained apricots with farina at Dallas, Tex.

LABEL, IN PART: "Gerber's Strained Apricots With Farina."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence (in 2 lots) of insect fragments and rodent hair fragments and by reason of the use (in 1 lot) of insect-infested farina; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 7 and 27, 1948, and January 14, 1949. Default decrees of condemnation and destruction.

#### VEGETABLES AND VEGETABLE PRODUCTS

**14447. Misbranding of canned string beans. U. S. v. 143 Cases \* \* \*. (F. D. C. No. 26393. Sample No. 37651-K.)**

LIBEL FILED: January 12, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about November 30, 1948, by Oregon Foods, Inc., from McMinnville, Oreg.

PRODUCT: 143 cases, each containing 6 unlabeled cans, of string beans at Santa Paula, Calif. No written agreement existed between the shipper and the consignee as to the labeling of the product.

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (g) (2), the article purported to be canned green beans, a food for which a definition and standard of identity had been prescribed by the regulations, and its label failed to bear as the regulations require, the name of the food specified in the definition and standard; and, Section 403 (h) (1), the article fell below the standard of quality for canned green beans since it contained tough strings in excess of the amount permitted by the standard, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: February 15, 1949. The Ventura County Citrus Growers Committee, Santa Paula, Calif., claimant, having consented to the entry of a decree,



judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

**14448. Adulteration of celery. U. S. v. 533 Crates \* \* \*. (F. D. C. No. 26521. Sample Nos. 46445-K, 46446-K, 46448-K.)**

**LIBEL FILED:** February 10, 1949, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about January 18 and 22, 1949, by A. Levy & J. Zentner Co., from Cutler, Calif.

**PRODUCT:** 533 crates of celery at St. Louis, Mo.

**LABEL, IN PART:** (58 crates) "Emro-Hill Brand. Selected Vegetables, Grown, Packed and Shipped by Hillside Growers Assn., Cutler California" and (475 crates) "Oro Gem Brand \* \* \* Orosi Vegetable Growers Grower, Packer and Shipper, Orosi, California."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of discoloration, pithiness, and softening, due to freezing.

**DISPOSITION:** March 28, 1949. Default decree of condemnation and destruction.

**14449. Adulteration of celery. U. S. v. 450 Crates \* \* \*. (F. D. C. No. 26591. Sample No. 48297-K.)**

**LIBEL FILED:** February 10, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about January 26, 1949, by Salinas Celery Distributors, from Salinas, Calif.

**PRODUCT:** 450 crates of celery at Philadelphia, Pa.

**LABEL, IN PART:** "Salinas Beauty Brand Selected Vegetables."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

**DISPOSITION:** February 10, 1949. Yeckes-Eichenbaum, Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. A total of 60 crates was segregated as unfit from the lot of 260 crates which had been seized. A total of 200 crates was repacked as celery hearts.

**14450. Adulteration of celery. U. S. v. 450 Crates \* \* \*. (F. D. C. No. 26532. Sample No. 42422-K.)**

**LIBEL FILED:** February 18, 1949, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 29, 1949, by M. S. Toledo, from Salinas, Calif.

**PRODUCT:** 450 crates of celery at Chicago, Ill.

**LABEL, IN PART:** "Salinas Beauty Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

**DISPOSITION:** April 13, 1949. Default decree of condemnation. The product was ordered disposed of for sale to the highest bidder. Under the supervision of the Federal Security Agency, a total of 20 crates of edible celery hearts were obtained from the lot. The remainder was disposed of for use as animal feed.

**14451. Adulteration of celery. U. S. v. 403 Crates \* \* \*. (F. D. C. No. 26615. Sample No. 12572-K.)**

**LIBEL FILED:** February 23, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 7, 1949, by the J. L. Debenedetti Co., from Orby, Calif.

**PRODUCT:** 403 crates of celery at Philadelphia, Pa.

**LABEL, IN PART:** "Fog-Kist \* \* \* Celery."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

**DISPOSITION:** February 28, 1949. Default decree of condemnation and destruction.

**14452. Adulteration of celery. U. S. v. 400 Crates \* \* \*. (F. D. C. No. 26519. Sample No. 46447-K.)**

**LIBEL FILED:** February 9, 1949, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about January 19, 1949, by the Du-Bal Packing Co., from Salinas, Calif.

**PRODUCT:** 400 crates of celery at St. Louis, Mo.

**LABEL, IN PART:** "El Rey Brand Selected California Vegetables Packed and shipped by Ice-Kist Packing Co., Salinas, California."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

**DISPOSITION:** March 28, 1949. Default decree of condemnation and destruction.

**14453. Adulteration of celery. U. S. v. 396 Crates \* \* \*. (F. D. C. No. 26522. Sample No. 46449-K.)**

**LIBEL FILED:** February 10, 1949, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about January 24, 1949, by the Du-Bal Packing Co., from Salinas, Calif.

**PRODUCT:** 396 crates, each containing from 42 to 60 stalks, of celery at St. Louis, Mo.

**LABEL, IN PART:** "El Rey Brand Selected California Vegetables Packed and Shipped by Ice-Kist Packing Co. Salinas, California."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

**DISPOSITION:** March 28, 1949. Default decree of condemnation and destruction.

**14454. Adulteration of celery. U. S. v. 139 Crates \* \* \*. (F. D. C. No. 26524. Sample Nos. 49902-K, 49903-K, 49907-K, 49908-K, 49910-K.)**

**LIBEL FILED:** February 11, 1949, District of Colorado.

**ALLEGED SHIPMENT:** On or about January 10, 1949, by the General Potato & Onion Distributing Co., from Stockton, Calif.

**PRODUCT:** 139 crates, each containing approximately 3 dozen stalks, of celery at Denver, Colo.

**LABEL, IN PART:** "California Celery Perfex Brand Packed by Weyl-Zuckerman and Company Growers and Shippers, Stockton, California."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.



**DISPOSITION:** February 21, 1949. The Mile High Vegetable Distributors, Denver, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be salvaged by trimming and stripping off the frozen portions, under the supervision of the Federal Security Agency. Of the 7,519 pounds seized, 2,613 pounds of celery hearts were salvaged.

**14455. Adulteration of canned corn. U. S. v. 748 Cases \* \* \*. (F. D. C. No. 26542. Sample No. 20776-K.)**

**LIBEL FILED:** February 18, 1949, District of Nebraska.

**ALLEGED SHIPMENT:** On or about October 20, 1948, by the Fall River Canning Co., from Evansville, Wis.

**PRODUCT:** 748 cases, each containing 48 11-ounce cans, of corn at Lincoln, Nebr.

**LABEL, IN PART:** "Fifth Ave. Quality Cream Style Golden Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worm fragments.

**DISPOSITION:** April 21, 1949. Default decree of condemnation and destruction.

**14456. Adulteration of canned corn. U. S. v. 568 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26266, 26529. Sample Nos. 41699-K, 46401-K.)**

**LIBELS FILED:** January 5 and February 17, 1949, Eastern District of Missouri and Northern District of Indiana.

**ALLEGED SHIPMENT:** On or about October 26, 1948, by the Milford Canning Co., from Milford, Ill.

**PRODUCT:** Canned corn. 55 cases, each containing 24 1-pound, 4-ounce cans, at St. Louis, Mo., and 568 cases, each containing 24 11-ounce cans, at Bluffton, Ind.

**LABEL, IN PART:** "Elco Selected [or "Deerwood Brand"] Cream Style Golden Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

**DISPOSITION:** February 8 and March 31, 1949. Default decrees of condemnation and destruction.

**14457. Adulteration of canned corn. U. S. v. 268 Cases \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 24669, 24963, 26285. Sample Nos. 18059-K, 23003-K, 23457-K.)**

**LIBELS FILED:** On or about June 8 and July 6, 1948, and January 19, 1949, Southern District of Indiana, Southern District of Mississippi, and Western District of Texas.

**ALLEGED SHIPMENT:** On or about December 2 and 30, 1947, and October 15, 1948, by the J. B. Inderrieden Co., from Mendota and Hampshire, Ill.

**PRODUCT:** Canned corn. 356 cases, each containing 24 1-pound, 4-ounce cans, at Seymour, Ind., and Vicksburg, Miss.; and 279 cases, each containing 48 11-ounce cans, at San Antonio, Tex.

**LABEL, IN PART:** "Peter-Pan Cream Style White Sweet Corn," "Red & White Brand Cream Style Golden Sweet Corn," or "Old Abe Cream Style White Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, worms, worm parts, and other insect fragments.

**DISPOSITION:** October 18, and November 15, 1948, and March 30, 1949. Default decrees of forfeiture and destruction.

**14458. Adulteration of canned corn. U. S. v. 173 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24956, 24957. Sample Nos. 18793-K, 19904-K, 41602-K.)**

**LIBELS FILED:** June 18 and 22, 1948, Southern District of Ohio and Northern District of Indiana.

**ALLEGED SHIPMENT:** On or about March 22 and April 1, 1948, by the Lakeside Packing Co., from Manitowoc, Wis., and Plainview, Minn.

**PRODUCT:** 196 cases, each containing 24 1-pound, 4-ounce cans, of corn at Columbus, Ohio, and Hammond, Ind.

**LABEL, IN PART:** "Lakeside Cream Style Golden Corn" or "Lakeside Mello-Cream Cream Style Golden Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

**DISPOSITION:** August 2 and September 10, 1948. Default decrees of condemnation and destruction. The product was disposed of for use as hog feed.

**14459. Adulteration of canned corn. U. S. v. 87 Cases \* \* \*. (F. D. C. No. 26391. Sample No. 11067-K.)**

**LIBEL FILED:** January 13, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 30, 1948, by the Brownsville Canning Co., from Brownsville, Wis.

**PRODUCT:** 87 cases, each containing 24 1-pound, 4-ounce cans, of corn at Bronx, N. Y.

**LABEL, IN PART:** "Naborhood Cream Style Golden Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

**DISPOSITION:** March 31, 1949. Default decree of condemnation and destruction.

**14460. Adulteration of canned corn. U. S. v. 16 Cases \* \* \*. (F. D. C. No. 26569. Sample No. 46236-K.)**

**LIBEL FILED:** On or about February 25, 1949, Eastern District of Texas.

**ALLEGED SHIPMENT:** On or about October 16, 1948, by the McLean County Canning Co., from Le Roy, Ill.

**PRODUCT:** 16 cases, each containing 6 6-pound, 10-ounce cans, of corn at Atlanta, Tex.

**LABEL, IN PART:** "Little Farmer Cream Style Country Gentleman White Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

**DISPOSITION:** April 20, 1949. Default decree of condemnation and destruction.



**14461. Misbranding of canned mushrooms. U. S. v. 15 Cases \* \* \*. (F. D. C. No. 26469. Sample No. 40583-K.)**

**LIBEL FILED:** January 18, 1949, Southern District of California.

**ALLEGED SHIPMENT:** On or about December 31, 1948, by the West Foods, from Salem, Oreg.

**PRODUCT:** 15 cases, each containing 24 4-ounce cans, of mushrooms at Los Angeles, Calif.

**LABEL, IN PART:** "Shady Oak Stems and Pieces Mushrooms Net drained weight 4 oz. avoird."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the declared weight.)

**DISPOSITION:** March 18, 1949. Default decree of condemnation. The product was ordered delivered to charitable institutions.

**14462. Adulteration of canned mustard greens. U. S. v. 185 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24983, 26545. Sample Nos. 23918-K, 26966-K.)**

**LIBELS FILED:** June 29, 1948, and February 16, 1949, Eastern District of Missouri and Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about May 15, November 13, and December 3, 1948, and January 12, 1949, by the Pharr Canning Co., Inc., from Van Buren, Ark.

**PRODUCT:** Mustard greens. 185 cases, each containing 6 unlabeled No. 10 cans, and 450 cases, each containing 6 10-ounce cans, at St. Louis, Mo., and Birmingham, Ala.

**LABEL, IN PART:** (Portion) "Pharr's Finest Mustard Greens."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids, larvae, and other insects, and a portion of the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed mustard greens.

**DISPOSITION:** August 4, 1948, and March 16, 1949. Default decrees of condemnation and destruction.

**14463. Misbranding of canned peas. U. S. v. 170 Cases \* \* \*. (F. D. C. No. 24009. Sample Nos. 26856-K, 26869-K.)**

**LIBEL FILED:** December 8, 1947, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about July 18 and September 9, 1947, by the Mississippi Valley Canning Co., from Osceola, Ark.

**PRODUCT:** 170 cases, each containing 6 6-pound, 9-ounce cans, of peas at Memphis, Tenn.

**LABEL, IN PART:** "Delta Club Early June Variety Sifted Peas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard since the alcohol-insoluble solids of the peas were more than the maximum provided by law.

**DISPOSITION:** February 17, 1949. The Mississippi Valley Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation

and relabeling of the substandard portion, under the supervision of the Food and Drug Administration. The entire lot was relabeled as substandard.

**14464. Adulteration of dill pickles. U. S. v. 300 Cases, etc. (F. D. C. No. 25349. Sample No. 9937-K.)**

**LIBEL FILED:** August 9, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about June 15, 1948, by Orangeburg Foods, Inc., from Orangeburg, S. C.

**PRODUCT:** Dill pickles. 300 cases, each containing 4 1-gallon jars, and 395 cases, each containing 12 1-quart jars, at New York, N. Y.

**LABEL, IN PART:** "Royal Scarlet New Dill Cucumbers."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of grit.

**DISPOSITION:** October 15, 1948. Orangeburg Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be removed from its containers and washed, reprocessed, and repacked.

**TOMATOES AND TOMATO PRODUCTS\***

**14465. Adulteration of canned tomatoes. U. S. v. 198 Cases \* \* \*. (F. D. C. No. 26578. Sample No. 5541-K.)**

**LIBEL FILED:** February 9, 1949, District of Maine.

**ALLEGED SHIPMENT:** On or about October 16, 1948, by the Butterfield Canning Co., from Muncie, Ind.

**PRODUCT:** 198 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Augusta, Maine.

**LABEL, IN PART:** "Fort Western Brand Fancy Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

**DISPOSITION:** April 22, 1949. Default decree of condemnation and destruction.

**14466. Adulteration and misbranding of canned tomatoes. U. S. v. 1,493 Cases \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 26159 to 26162, incl. Sample Nos. 1527-K to 1530-K, incl.)**

**LIBELS FILED:** January 10, 1949, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about October 21 and November 5 and 8, 1948, by the Watkins Produce Co., from Thomasville, Ga.

**PRODUCT:** 2,435 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Jacksonville, Fla.

**LABEL, IN PART:** "Cole Brand Tomatoes \* \* \* Packed by C. C. Cole, Hague, Virginia."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of low drained weight, as determined by the sieve test provided by the standard, and because of the presence of excessive peel; and its label failed to bear a statement that it fell below such standard.

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\*See also No. 14304.



Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 8 and March 7, 1949, C. C. Cole having appeared as claimant for the portion of the product which was not adulterated and no claimant having appeared for the remainder of the product, judgments of condemnation were entered. The unadulterated portion of the product was released under bond for relabeling, under the supervision of the Federal Security Agency. The remainder of the product, 940 cases, was ordered delivered to a Federal institution, for use as animal feed.

**14467. Adulteration and misbranding of canned tomatoes. U. S. v. 298 Cases \* \* \*. (F. D. C. No. 26128. Sample No. 5533-K.)**

**LIBEL FILED:** December 13, 1948, District of Maine.

**ALLEGED SHIPMENT:** On or about October 29, 1948, by the Brockport Cold Storage Co., from Hamlin, N. Y.

**PRODUCT:** 298 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Portland, Maine.

**LABEL, IN PART:** "Vine Ripened Tomatoes \* \* \* Grade A \* \* \* Great Atlantic & Pacific Tea Company, New York, N. Y., Distributors."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (a), the label statements "Grade A \* \* \* To qualify as 'Grade A' \* \* \* must meet the following requirements:—Drained Weight of not less than 66% of the can capacity" were false and misleading as applied to the article, which contained decomposed tomato material and which had a drained weight of 56 percent of the can capacity.

**DISPOSITION:** April 21, 1949. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**14468. Misbranding of canned tomatoes. U. S. v. 400 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24685, 26115. Sample Nos. 2550-K, 4349-K.)**

**LIBELS FILED:** March 26 and December 7, 1948, District of Maine and Northern District of West Virginia.

**ALLEGED SHIPMENT:** On or about August 16, 1947, and September 17, 1948, by Albert W. Sisk & Son, from Pocomoke City and Linkwood, Md.

**PRODUCT:** 1,647 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Bangor, Maine, and Clarksburg, W. Va.

**LABEL, IN PART:** "Somerset Brand Tomatoes \* \* \* Packed by Somerset Packing Co. Inc., Pocomoke City, Md.," or "Salem Brand Tomatoes \* \* \* Packed \* \* \* by Salem Packing Co. Salem, Md."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive peel in both lots and excessive blemishes in the lot bearing the "Salem Brand," and the label of the article failed to bear a statement that the product fell below such standard.



**DISPOSITION:** July 21, 1948, and January 7, 1949. Somerset Packing Co., Inc., claimant for the Maine lot, and the Salem Packing Co., claimant for the West Virginia lot, having admitted that the product was misbranded, judgments of condemnation were entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

**14469. Misbranding of canned tomatoes. U. S. v. 571 Cases \* \* \*. (F. D. C. No. 25517. Sample Nos. 23249-K, 23250-K.)**

**LIBEL FILED:** September 7, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about June 24 and July 5, 1948, by the Elsa Canning Co., from Elsa, Tex.

**PRODUCT:** 571 cases of canned tomatoes at Lake Charles, La. Some of the cases contained 48 10-ounce cans and some contained 24 1-pound, 3-ounce cans.

**LABEL, IN PART:** "Valley Rose Hand Packed Tomatoes \* \* \* Packed by Mission Food Products Company, Mission, Texas," or "Ro-May Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes since it failed to meet the requirements for strength and redness of color and since it contained excessive tomato peel, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** October 14, 1948. Kelly-Weber & Co., Lake Charles, La., having appeared as claimant, judgment was entered providing for the release of the product under bond, to be brought into compliance with the law, under the supervision of the Federal Security Agency. In accordance with the decree, action was taken to relabel the product.

**14470. Adulteration and misbranding of canned tomatoes. U. S. v. 491 Cases \* \* \*. (F. D. C. No. 23982. Sample No. 632-K.)**

**LIBEL FILED:** November 21, 1947, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about August 23, 1947, by the Belmont Canning Co., from Threeway, Va.

**PRODUCT:** 491 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Thomasville, Ga.

**LABEL, IN PART:** "Rich-West Brand Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it had not been processed by heat so as to prevent spoilage.

**DISPOSITION:** December 24, 1947. Default decree of condemnation and destruction.

**14471. Adulteration and misbranding of tomatoes in sauce. U. S. v. 874 Cases \* \* \*. (F. D. C. No. 26125. Sample No. 10105-K.)**

**LIBEL FILED:** December 14, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 30, 1948, by Safier-Phillips, from Mays Landing, N. J.

**PRODUCT:** 874 cases, each containing 6 cans, of tomatoes in sauce at New York, N. Y.



**LABEL, IN PART:** (Can) "Contents 6 Lbs. 8 Ozs., Marco Brand Italian Style Peeled Tomatoes Pizza Sauce Packed \* \* \* by Atlantic Canning Co. Mays Landing, N. J."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (2), the article failed to bear an accurate statement of the quantity of the contents. (The article was short-weight.)

**DISPOSITION:** January 14, 1949. Default decree of condemnation and destruction.

**14472. Adulteration of tomato catsup. U. S. v. 90 Cases \* \* \*. (F. D. C. No. 26833. Sample No. 45775-K.)**

**LIBEL FILED:** March 7, 1949, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about November 4, 1948, by Frazier's Fine Foods, Inc., from Alexandria, Ind.

**PRODUCT:** 90 cases, each containing 6 14-ounce cans, of tomato catsup at St. Louis, Mo.

**LABEL, IN PART:** "Red Crown Tomato Catsup Contents 14 Ozs. Alexandria Packing Co. Alexandria, Indiana."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** April 4, 1949. Default decree of condemnation and destruction.

**14473. Adulteration of tomato catsup. U. S. v. 27 Cases \* \* \*. (F. D. C. No. 24583. Sample No. 19260-K.)**

**LIBEL FILED:** April 1, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about January 20, 1948, by the Morgan Packing Co., from Austin, Ind.

**PRODUCT:** 27 cases, each containing 6 7-pound, 3-ounce cans, of tomato catsup at Akron, Ohio.

**LABEL, IN PART:** "Scott Co. Tomato Catsup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** May 12, 1948. Default decree of condemnation and destruction.

**14474. Adulteration of tomato puree. U. S. v. Elmer Netzley (Netzley's Cannery). Plea of guilty. Fine, \$200. (F. D. C. No. 26302. Sample Nos. 20410-K, 45725-K.)**

**INFORMATION FILED:** December 21, 1948, Southern District of Ohio, against Elmer Netzley, an individual, trading as Netzley's Cannery, Laura, Ohio.

**ALLEGED SHIPMENT:** On or about June 7, 1948, from the State of Ohio into the State of Missouri.

**LABEL, IN PART:** "Tops-Em Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 12, 1949. A plea of guilty having been entered, the defendant was fined \$200.

14475. Adulteration of tomato puree. U. S. v. 14 Cases \* \* \* (and 7 other seizure actions). (F. D. C. Nos. 24398, 24439, 24578, 25917, 25925, 25954, 25973, 26221. Sample Nos. 18643-K, 18669-K, 22477-K, 41556-K, 41558-K, 41561-K, 44184-K, 44495-K, 45691-K.)

LIBELS FILED: Between January 2 and December 16, 1948, Southern District of Ohio, Eastern and Western Districts of Kentucky, Northern District of Alabama, Northern District of Illinois, Eastern District of Tennessee, and Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of September 4, 1947, and November 17, 1948, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: Tomato puree. 138 cases, each containing 48 10½-ounce cans; 238 cases, each containing 6 6-pound, 9-ounce cans; and 117 cases, each containing 72 6-ounce cans, in various lots, at Cincinnati, Ohio; Louisville, Ky.; Gadsden, Ala.; Chicago, Ill.; Chattanooga, Tenn.; Jenkins, Ky., and St. Louis, Mo.

LABEL, IN PART: "Atlas [or "Norton," "Viceroy," "American Beauty," or "Scott Co.]" Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: Between March 11, 1948, and March 9, 1949. Default decrees of condemnation and destruction.

14476. Adulteration of tomato puree. U. S. v. 108 Cases, etc. (F. D. C. Nos. 24665, 24666. Sample Nos. 27177-K, 27182-K, 27183-K.)

LIBEL FILED: On or about June 7, 1948, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about January 2 and 15, 1948, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: Tomato puree. 150 cases, each containing 6 6-pound, 9-ounce cans, and 11 cases, each containing 48 10½-ounce cans, at Danville, Ill.

LABEL, IN PART: "Scott Co. Tomato Puree" or "Mother's Pride Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 12, 1948. Default decree of condemnation. The product was ordered sold for purposes other than for human consumption.

14477. Adulteration of tomato puree. U. S. v. 225 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25985, 26011. Sample Nos. 9234-K, 9235-K.)

LIBELS FILED: November 1 and 9, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about August 13 and 30, 1948, by B. Poggioli & Son, from East Vineland, N. J.

PRODUCT: 327 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at New York, N. Y.



**LABEL, IN PART:** "Au Gourmet Brand Fancy Tomato Puree" or "Poggioli Brand Fancy Italian Style Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material, and a portion consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

**DISPOSITION:** November 19 and 27, 1948. Default decrees of condemnation and destruction.

**14478. Adulteration and misbranding of tomato puree. U. S. v. 81 Cases \* \* \***  
(and 2 other seizure actions). (F. D. C. Nos. 26203, 26213, 26547.  
Sample Nos. 27053-K, 45675-K, 46031-K.)

**LIBELS FILED:** On or about December 9, 1948, and February 21, 1949, Western District of Arkansas and Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about August 7, 1947, and July 7 and 17, 1948, by the Delta Canning Co., Raymondville, Tex.

**PRODUCT:** Tomato puree. 18 cases at Fort Smith, Ark., and 57 cases at Texarkana, Ark., each case containing 100 4¾-ounce cans; and 81 cases, each containing 48 10½-ounce cans, at St. Louis, Mo.

**LABEL, IN PART:** "Frost Brand Tomato Puree."

**NATURE OF CHARGE:** Fort Smith lot. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

St. Louis and Texarkana lots. Misbranding, Section 403 (g) (1), the product fell below the standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** March 21 and 28 and April 20, 1949. Default decrees of condemnation. The Fort Smith lot was ordered destroyed and the remaining lots were ordered delivered to charitable institutions.

**14479. Adulteration and misbranding of tomato puree. U. S. v. 42 Cases, etc.**  
(F. D. C. No. 26415. Sample Nos. 10967-K, 10968-K.)

**LIBEL FILED:** January 19, 1949, District of Connecticut.

**ALLEGED SHIPMENT:** On or about October 9 and 16, 1948, by the Paul Coccia Cannery, from Camden, N. J.

**PRODUCT:** Tomato puree. 42 cases, each containing 6 No. 10 cans, and 64 cases, each containing 24 1-pound, 12-ounce cans, at New Haven, Conn.

**LABEL, IN PART:** (Portion) "Alesco Brand Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substances by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** March 21, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as hog feed.

**NUTS AND NUT PRODUCTS**

**14480. Adulteration of brazil nuts. U. S. v. 36 Boxes \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 23958, 25966. Sample Nos. 1413-K, 12007-K.)

**LIBELS FILED:** November 6, 1947, and October 22, 1948, Middle District of Pennsylvania and Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about September 29, 1947, and September 27, 1948, by William A. Higgins & Co., Inc., from New York, N. Y.

**PRODUCT:** Brazil nuts. 100 100-pound bags at Greensboro, N. C.; and 36 boxes, each containing 40 pounds, at Harrisburg, Pa.

**LABEL, IN PART:** "Holly New Crop Large Medium Brazil Nuts," or "New Crop Holly Brand Brazil Nuts Large."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed brazil nuts.

**DISPOSITION:** February 4 and December 14, 1948. Default decrees of condemnation. It was ordered that the Pennsylvania lot be destroyed and that the North Carolina lot be delivered to charitable organizations. The latter lot was to be segregated and the fit portion consumed by the inmates.

**14481. Adulteration of peanuts. U. S. v. 17 Bags \* \* \*. (F. D. C. No. 26261. Sample No. 46577-K.)**

**LIBEL FILED:** January 7, 1949, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 26, 1948, by the Virginia-Carolina Peanut Co., from Suffolk, Va.

**PRODUCT:** 17 100-pound bags of peanuts at Pittsburgh, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of being insect-infested, and of a decomposed substance by reason of the presence of moldy peanuts.

**DISPOSITION:** February 18, 1949. Default decree of condemnation and destruction.

**14482. Adulteration of pecan meats. U. S. v. 16 Cases \* \* \*. (F. D. C. No. 26490. Sample No. 20160-K.)**

**LIBEL FILED:** January 28, 1949, Western District of Arkansas.

**ALLEGED SHIPMENT:** On or about December 30, 1948, by the Vernon-Pope Pecan Shellers, Okmulgee, Okla.

**PRODUCT:** 16 30-pound cases of pecan meats at Fort Smith, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and larvae parts.

**DISPOSITION:** March 28, 1949. Default decree of condemnation and destruction.

**14483. Adulteration of pinon nuts. U. S. v. 71 Bags \* \* \*. (F. D. C. No. 26832. Sample No. 30729-K.)**

**LIBEL FILED:** March 7, 1949, Southern District of California.

**ALLEGED SHIPMENT:** On or about January 24, 1949, by G. W. Ewton, from Gallup, N. Mex.



**PRODUCT:** 71 bags, each containing 75 pounds, of pinon nuts at Los Angeles, Calif.

**LABEL, IN PART:** "Pinon Nuts Fancy Recleaned."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and rabbit excreta.

**DISPOSITION:** March 22, 1949. Jacob Glasser, trading as Torn & Glasser, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned and brought into compliance with the law, under the supervision of the Federal Security Agency. The seized nuts, 5,325 pounds, were cleaned, resulting in the recovery of 5,100 pounds of clean nuts.

**14484. Adulteration of pinon nuts. U. S. v. 4 Bags \* \* \*. (F. D. C. No. 26843. Sample No. 30731-K.)**

**LIBEL FILED:** March 9, 1949, Southern District of California.

**ALLEGED SHIPMENT:** On or about January 5, 1949, by K & S Food Store, Inc., from Gallup, N. Mex.

**PRODUCT:** 4 100-pound bags of pinon nuts at Los Angeles, Calif.

**LABEL, IN PART:** "Pinon Nuts Fancy Recleaned."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and rabbit excreta.

**DISPOSITION:** April 11, 1949. Default decree of condemnation and destruction.

**14485. Adulteration of walnuts. U. S. v. Louis Groobman (Whittier Walnut Packing Co.). Plea of not guilty. Tried to the court. Fine \$2,000 and imprisonment for 2 years. Prison sentence suspended and defendant placed on probation for 5 years. (F. D. C. No. 24780. Sample Nos. 24139-K, 24325-K.)**

**INFORMATION FILED:** June 25, 1948, Southern District of California, against Louis Groobman, trading as the Whittier Walnut Packing Co., El Monte, Calif.

**ALLEGED SHIPMENT:** On or about December 8, 1947, from the State of California into the State of Minnesota.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, insect excreta, moth, scales, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** On November 4 and 5, 1948, the case was tried before the court without a jury, and the defendant was found guilty. The defendant thereupon filed a motion to set aside the judgment of conviction on the grounds that certain standards for walnuts established by the Department of Agriculture, prescribed tolerances; that the tolerances so established were inconsistent with the requirements of the Federal Food, Drug, and Cosmetic Act; and that the Department of Agriculture standards should govern. This motion was overruled.

On December 6, 1948, the court imposed a fine of \$2,000 and a sentence of 1 year on each of the 2 counts, the sentence to run consecutively. The prison sentence was suspended and the defendant was placed on probation for a period of 5 years, conditioned that he violate no laws and, further, that he



immediately suspend operations and cease to ship, pack, or receive any nuts in commerce until he had cleaned up his plant and made it sanitary and rat proof. Subsequently, the court allowed the claimant to dispose of his stock on hand in compliance with the law, under the supervision of the Food and Drug Administration.

**14486. Adulteration of walnuts. U. S. v. 79 Bags \* \* \*. (F. D. C. No. 26671. Sample No. 7922-K.)**

**LIBEL FILED:** March 2, 1949, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 22, 1946, from Los Angeles, Calif.

**PRODUCT:** 79 100-pound bags of walnuts at Pittsburgh, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 31, 1949. Default decree of condemnation and destruction.

**14487. Adulteration of walnuts. U. S. v. 328 Cartons \* \* \*. (F. D. C. No. 26497. Sample No. 7907-K.)**

**LIBEL FILED:** February 3, 1949, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about April 1, 1946, from Chico, Calif.

**PRODUCT:** 328 25-pound cartons of walnuts at Pittsburgh, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy walnuts. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 25, 1949. Default decree of condemnation and destruction.

**14488. Misbranding of shredded coconut. U. S. v. Export Sales Corp. and Morris Simon. Plea of not guilty. Tried to the jury. Verdict of guilty. Fine of \$1,500, payable by either defendant. (F. D. C. No. 24061. Sample Nos. 55235-H, 55238-H, 55532-H, 55533-H, 85712-H.)**

**INFORMATION FILED:** March 23, 1948, Southern District of Florida, against the Export Sales Corp., Miami, Fla., and Morris Simon, president and manager.

**ALLEGED SHIPMENT:** On or about June 4, 9, 12, and 23, 1947, from the State of Florida into the States of Georgia and North Carolina and the District of Columbia.

**NATURE OF CHARGE:** Misbranding, Section 403 (i) (2), (all shipments) the product was fabricated from two or more ingredients, and its label failed to bear a statement containing the common or usual name of each such ingredient; and, Section 403 (b), (some shipments) a mixture of granulated sugar (approximately 70%), dried grated coconut, and salt was offered for sale under the name of another food, coconut (4 of the 5 shipments were invoiced, variously, "Imported Coconut," "Imported Sweetened Coconut," or "Sweetened Coconut").

**DISPOSITION:** October 28, 1948. Pleas of not guilty having been entered, the case was tried before a jury, which returned a verdict of guilty. A fine of \$1,500 was imposed, payable \$300 every four months by either defendant.



**14489. Adulteration of peanut butter.** U. S. v. Jerome P. Firnstahl (Pacific Food Products Co.), and Ronald H. Preston. Pleas of guilty. Jerome P. Firnstahl and Ronald H. Preston each fined \$500. (F. D. C. No. 24556. Sample Nos. 82681-H, 83000-H.)

**INFORMATION FILED:** May 27, 1948, Western District of Washington, against Jerome P. Firnstahl, a partner and manager of the partnership, trading as the Pacific Food Products Co., Seattle, Wash., and Ronald H. Preston, plant superintendent.

**ALLEGED SHIPMENT:** On or about August 5 and 13, 1947, from the State of Washington into the State of Oregon.

**LABEL, IN PART:** "Sunny Jim Mfg. by Pacific Food Products Co. Seattle, Wash. 'Homogenized' Peanut Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insect fragments, and insects; and, Section 402 (a) (4), (1 shipment) it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 18, 1948. Pleas of guilty having been entered, Jerome P. Firnstahl and Ronald H. Preston were each fined \$500.

**14490. Misbranding of peanut butter.** U. S. v. 6 Cases \* \* \*. (F. D. C. No. 24634. Sample No. 21452-K.)

**LIBEL FILED:** May 12, 1948, District of Kansas.

**ALLEGED SHIPMENT:** On or about April 2, 1948, by the Peanut Products Co., from Omaha, Nebr.

**PRODUCT:** 6 cases, each containing 12 jars, of peanut butter at Manhattan, Kans.

**LABEL, IN PART:** "Jack Sprat Brand Peanut Butter Net Weight 1 Pound Distributed by Marshall Canning Co., Marshalltown, Iowa."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was short-weight.)

**DISPOSITION:** July 7, 1948. Default decree of condemnation and destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**14491. Adulteration of spices.** U. S. v. 9 Boxes, etc. (F. D. C. No. 26437. Sample Nos. 23711-K to 23716-K, incl.)

**LIBEL FILED:** On or about January 31, 1949, Southern District of Texas.

**ALLEGED SHIPMENT:** On various dates during 1946, 1947, and 1948, from Rochester, N. Y.

**PRODUCT:** 9 10-pound boxes of chopped red peppers, 36 6-pound boxes of imitation mace, 2 272-pound barrels of celery salt, 22 137-pound barrels and 90 6-pound boxes of rubbed cyprus sage, 10 170-pound sacks of dill seed, and 6 110-pound sacks of caraway seed, at Houston, Tex., in possession of the Atlantis Sales Corp.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 18, 1949. Default decree of condemnation and destruction.



**14492. Adulteration of dried red chilies (chili peppers). U. S. v. 83 Bags \* \* \*.**  
(F. D. C. No. 26819. Sample No. 30395-K.)

**LIBEL FILED:** March 4, 1949, Southern District of California.

**ALLEGED SHIPMENT:** On or about December 15, 1948, by A. A. Franzoy, from Salem, N. Mex.

**PRODUCT:** 83 unlabeled bags of dried red chilies at Los Angeles, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

**DISPOSITION:** March 16, 1949. Chili Products Corp., Ltd., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned and brought into compliance with the law, under the supervision of the Federal Security Agency. The reconditioning operations resulted in the salvage of 8,285 pounds of passable material and the rejection and destruction of 1,584 pounds.

**14493. Adulteration of dried red peppers. U. S. v. 15 Bags, etc. (and 2 other seizure actions). (F. D. C. Nos. 23907, 24170, 24175. Sample Nos. 318-K, 3414-K, 4419-K, 4421-K.)**

**LIBELS FILED:** On or about November 7 and December 10 and 12, 1947, District of Massachusetts, Eastern District of Virginia, and Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about July 24 and 26 and October 1 and 13, 1947, by H. D. White, from Timmons ville, S. C.

**PRODUCT:** Dried red peppers. 15 105-pound bags and 32 89-pound bags at Charlestown, Mass.; 181 bags, varying in weight from 103 to 119 pounds, at Richmond, Va.; and 281 bags, containing a total of 25,594 pounds, at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of its being insect-infested.

**DISPOSITION:** January 19 and May 13, 1948, and January 11, 1949. The sole intervener in the Virginia case having consented to the entry of a decree and no claimant having appeared in the other cases, judgments of condemnation were entered and the product was ordered destroyed.

**14494. Adulteration of ground red pepper. U. S. v. 12 Drums \* \* \*. (F. D. C. No. 24177. Sample No. 2206-K.)**

**LIBEL FILED:** December 5, 1947, District of Maryland.

**ALLEGED SHIPMENT:** On or about November 4 and 11, 1947, by H. D. White, of Timmons ville, S. C., from Richmond, Va.

**PRODUCT:** 12 drums, containing approximately 3,920 pounds, of ground red pepper at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402(a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and insect excreta.

**DISPOSITION:** January 27, 1948. Default decree of condemnation and destruction.



**14495. Adulteration of cheese salt. U. S. v. 63 Bags \* \* \*. (F. D. C. No. 26279. Sample No. 6570-K.)**

**LIBEL FILED:** January 13, 1949, Western District of New York.

**ALLEGED SHIPMENT:** On or about June 14 and September 23, 1948, from Akron, Ohio.

**PRODUCT:** 63 100-pound bags of cheese salt at Rochester, N. Y., in possession of the Chaplin Dairy Products Corp.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 17, 1949. Default decree of condemnation and destruction.

**14496. Adulteration of sesame seed. U. S. v. 78 Sacks \* \* \*. (F. D. C. No. 25718. Sample No. 31913-K.)**

**LIBEL FILED:** October 15, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about March 7, 1948, from Managua, Nicaragua.

**PRODUCT:** 78 100-pound sacks of sesame seed at Los Angeles, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 19, 1948. William G. Scarlett & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be segregated, reconditioned, and brought into compliance with the law, under the supervision of the Federal Security Agency. Of the 7,800 pounds seized, 7,176 pounds were found to be fit for human consumption; the remainder was destroyed.

## MISCELLANEOUS FOODS

**14497. Adulteration of Miller's Soyolac Soya Milk. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 25858. Sample No. 43136-K.)**

**LIBEL FILED:** November 9, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 7, 1948, by the International Nutrition Laboratory, from Mt. Vernon, Ohio.

**PRODUCT:** 8 cases, each containing 24 1-pound cans, of Miller's Soyolac Soya Milk at Chicago, Ill.

**LABEL, IN PART:** "Miller's Soyolac Soya Milk."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 9, 1949. Default decree of condemnation and destruction.



**14498. Adulteration of Absorbex M and Absorbex C. U. S. v. The Tubbs Co. and Wilmer T. Phillips. Pleas of guilty. Fine of \$125 against defendants, jointly. (F. D. C. No. 26330. Sample Nos. 23392-K, 25203-K, 25210-K, 27754-K, 27755-K, 27757-K, 27761-K.)**

**INFORMATION FILED:** February 14, 1949, Western District of Wisconsin, against the Tubbs Co., a corporation, Prescott, Wis., and Wilmer T. Phillips, secretary and manager.

**ALLEGED SHIPMENT:** On or about March 22 and 29, April 20 and 26, and May 13, 1948, from the State of Wisconsin into the States of Texas, Minnesota, Iowa, and Illinois.

**LABEL, IN PART:** "Absorbex M for Whole Milk, Skimmed Milk, Buttermilk and Whey for Human Consumption" or "Absorbex C for Cream Only."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the articles contained an added poisonous and deleterious substance, a boron compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the articles and could have been avoided by good manufacturing practice.

**DISPOSITION:** February 23, 1949. Pleas of guilty having been entered, the court imposed a fine of \$125 against the defendants, jointly.

**14499. Adulteration of Absorbex M. U. S. v. 1 Barrel \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24947, 25441. Sample Nos. 23392-K, 24967-K.)**

**LIBELS FILED:** June 11 and September 9, 1948, District of Minnesota and Northern District of Texas.

**ALLEGED SHIPMENT:** On or about March 26 and May 13, 1948, by the Tubbs Co., from Prescott, Wis.

**PRODUCT:** 2 barrels of Absorbex M at Redwood Falls, Minn., and Abilene, Tex. The product was used for neutralizing cream in the manufacture of dairy products for human consumption.

**LABEL, IN PART:** (Portion) "Absorbex M For Whole Milk, Skimmed Milk, Buttermilk, and Whey for Human Consumption."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a boron compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

**DISPOSITION:** October 14 and 22, 1948. Default decrees of condemnation and destruction.

**14500. Adulteration and misbranding of coal-tar colors. U. S. v. 14 Jars, etc. (F. D. C. No. 24870. Sample Nos. 3845-K to 3852-K, incl.)**

**LIBEL FILED:** On or about August 20, 1948, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about February 3, March 1, and April 6 and 9, 1948, by the Chapman & Smith Co., from Chicago, Ill.

**PRODUCT:** 53 4-ounce jars of various paste colors at Richmond, Va.

**LABEL, IN PART:** (Jar) "Rolling Pin Brand Green [or "Lemon Shade Yellow," "Blue," "Orange Shade," "Violet Shade," "Bright Red," "Decorative Brilliant Rose," or "Black"] Paste Color A Mixture of Certified Coal Tar Color \* \* \* 4 Oz. When Packed."



**NATURE OF CHARGE:** Adulteration, Section 402 (c), the products contained coal-tar colors other than from batches that had been certified.

**Misbranding, Section 403 (a),** the label statement "Certified Coal Tar Color" was false and misleading since the article had not been certified.

**DISPOSITION:** January 11, 1949. Default decree of condemnation and destruction.

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<sup>1</sup>(14308, 14485, 14488) Prosecution contested.



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<sup>1</sup>(14308, 14485, 14488) Prosecution contested.



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Chapman & Smith Co.:		bread.....	14307
coal-tar colors.....	14500	Firnstahl, J. P.:	
Chicago Flour Co.:		peanut butter.....	14489
flour.....	14328	Food Marketers:	
Cloverleaf Dairy:		canned salmon.....	14403
creamed cottage cheese.....	14389	Foremost Dairies, Inc.:	
Coccia, Paul, Cannery:		butter.....	14377
tomato puree.....	14479	Fostoria Union Dairy Co.:	
Cole, C. C.:		Colby cheese.....	14387
canned tomatoes.....	14466	Fowler, R. E.:	
Colonial Baking Co. of St.		butter.....	14375
Louis:		Franzoy, A. A.:	
bread.....	14310	dried red chilies (chili peppers)..	14492
Colorado Mountain Foods Co.:		Frazier's Fine Foods, Inc.:	
canned apples and canned		tomato catsup.....	14472
cherries.....	14420	Fulcher, Garland F., Seafood	
Cox Produce:		Co.:	
cream.....	14391	crab meat.....	14413
Crete Mills:		General Baking Co.:	
corn meal.....	14325	bread.....	14309

<sup>1</sup>(14308, 14485, 14488) Prosecution contested.

	N. J. No.		N. J. No.
General Potato & Onion Dis- tributing Co.:		K & S Food Store, Inc.:	
celery-----	14454	pinon nuts-----	14484
Gerber Products Co.:		Kanner, M. L.:	
canned strained apricots with farina-----	14446	canned salmon-----	14403
Globe Mills:		Keller, Max, and Samuel:	
macaroni-----	14345	jellies-----	14445
Glynn Distributors:		Keller Food Products Co.:	
flour-----	14336	jellies-----	14445
Goddard, J. P., Baking Co.:		Kent Packing Co. <i>See</i> Harrison, J. L.	
whole wheat flour-----	14340	Knight, Bessie:	
Goodrich Creamery:		cream-----	14391
butter-----	14383	Knoxville Co-operative Cream- ery:	
Great Atlantic & Pacific Tea Co.:		butter-----	14379
bread-----	14311	Kolb, G. W.:	
tomatoes, canned-----	14467	flour-----	14328
Greene, S. H.:		Kraft Foods Co. of Wisconsin:	
ground barley feed-----	14396	Cheddar cheese-----	14386
Greene, Sam, Farms. <i>See</i> Greene, S. H.		Kramer, J. R., Inc.:	
Griffin Grocery Co.		butter-----	14379, 14383
corn meal-----	14322	Kunik & Gerrick Co.:	
Groobman, Louis:		grapefruit-----	14438
walnuts----- <sup>1</sup>	14485	La Fayette Wholesale Co.:	
Grossniklaus, John:		flour-----	14337
Swiss cheese-----	14388	Lakeside Packing Co.:	
Gulf Sea Foods, Inc.:		canned corn-----	14458
frozen shrimp-----	14417	Landman, H. E.:	
Gurley Milling Co., Inc.:		flour-----	14329
corn meal-----	14324	Landsberger Creamery & Prod- uce Co.:	
Happyvale Flour Mills. <i>See</i> Griffin Grocery Co.		frozen whole eggs-----	14394
Harris-Cove Packing Co.:		Langendorf United Bakeries, Inc.:	
canned sardines-----	14405	bread-----	14313
Harrison, J. L.:		Larsen, O. C.:	
canned salmon-----	14403	ice cream, ice cream mix, and butter-----	14390
Hart Creamery Assoc.:		Leavitt, John W., Co.:	
butter-----	14382	hybrid corn for popping-----	14347
Hellenic Baking Co., Inc.:		Levy, A., & J. Zentner Co.:	
bread and rolls-----	14306	celery-----	14448
Hershenstein, Harry:		Libby, McNeil & Libby:	
canned salmon-----	14403	canned apricots-----	14421
Higgins, William A. & Co., Inc.:		Loggie, A & R, Co., Ltd.:	
brazil nuts-----	14480	frozen lobster meat-----	14414
Hillside Growers Assoc.:		Lone Star Food Freezer:	
celery-----	14448	pineapple juice-----	14302
Homestead Bakery. <i>See</i> Lan- gendorf United Bakeries, Inc.		Louie & Milt Produce Co.:	
Hunt, P. K.:		cream-----	14391
crab meat-----	14411	Luverne Cooperative Creamery Assoc.:	
Hunt, P. K. & Son:		butter-----	14374
crab meat-----	14411	McLean County Canning Co.:	
Ice-Kist Packing Co.:		canned corn-----	14460
celery-----	14452, 14453	McMenamin Co., M. F. Quinn, Successor to. <i>See</i> Quinn, M. F.	
Inderrieden, J. B., Co.:		Marshall Canning Co.:	
canned corn-----	14457	peanut butter-----	14490
International Nutrition Labora- tory:			
Miller's Soyolac Soya Milk---	14497		

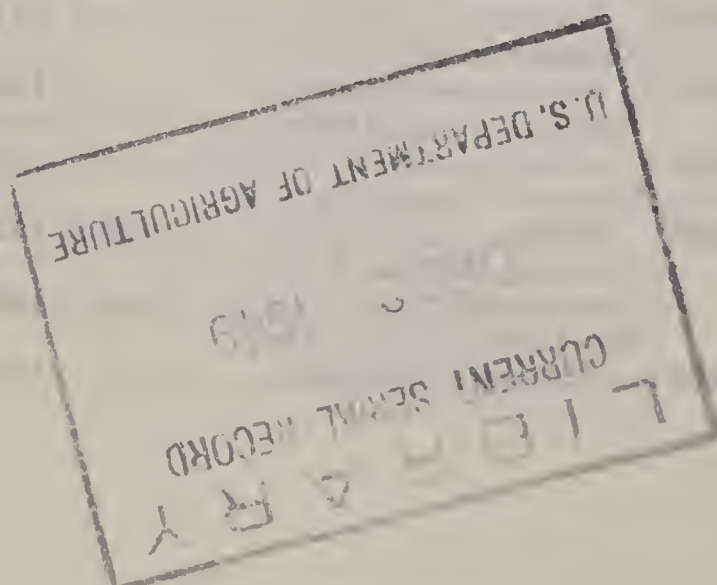
<sup>1</sup>(14308, 14485, 14488) Prosecution contested.



	N. J. No.		N. J. No.
Meadow Brands, Inc.:		Peanut Products Co.:	
cheese-----	14385	peanut butter-----	14490
Midwest Bakery & Macaroni Co.:		Pearson-Ferguson Chemical Co.:	
bread-----	14307	All Stock Mineral-----	14400
Milford Canning Co.:		Pharr Canning Co., Inc.:	
canned corn-----	14456	canned mustard greens-----	14462
Miller, M. W.:		Phillips, W. T.:	
frozen strawberries-----	14440	Absorbex M and Absorbex C-----	14498
Miller, M. W., & Co.:		Phoenix Candy Co.:	
frozen strawberries-----	14440	candy-----	14371
Miller Bros. Foods Co.:		Piedmont Mills:	
pineapple juice-----	14302	self-rising flour-----	14338
Millican, F. B.:		Plains Creamery, Inc.:	
cookies-----	14318	butter-----	14380
Mission Food Products Co.:		Poggioli, B., & Son:	
canned tomatoes-----	14469	tomato puree-----	14477
Mississippi Valley Canning Co.:		Pope, E. L.:	
canned peas-----	14463	corn meal-----	14321
Monte Carlo Wine Co.:		Preston, R. H.:	
wine-----	14301	peanut butter-----	14489
Moore, F. W.:		Purity Baking Co.:	
crab meat-----	14412	bread-----	14314
Morgan Packing Co.:		Qualified Products Co.:	
tomato catsup-----	14473	breeding meal-----	14357
puree-----	14475, 14476	Quality Food Packers:	
Morse, Wm. H., Co.:		grape jelly-----	14444
canned sardines-----	14406	Quality Macaroni Co.:	
National Cheese Co.:		spaghetti, noodles, and macaroni-----	14344
Cheddar cheese-----	14386	Quinn, M. F.:	
Nelson-Ricks Creamery:		crab meat-----	14412
butter-----	14384	Ramey, R. L., Co.:	
Netzley, Elmer:		flour-----	14332
tomato puree-----	14474	Red Bird Frosted Food Co.:	
Netzley's Cannery. <i>See</i> Netsley, Elmer.		frozen strawberries and frozen red raspberries-----	14439
Newberg, Jack, Co., Inc.:		Reynolds Bros., Inc.:	
candy-----	14370	canned cherries-----	14424
Normand Brothers, Inc.:		Rhode Island Warehouse Co.:	
cracked wheat-----	14355	rye flour, rye meal, corn meal, and cake flour-----	14326
Northern Cooperatives, Inc.:		Rich & Morgan, Inc.:	
butter-----	14381	grape jelly-----	14444
Noss, C. F.:		Rockwood & Co.:	
pretzels-----	14320	chocolate-----	14363
Num Num Foods, Inc.:		Romeo Packing Co.:	
pretzels-----	14320	canned sardines-----	14404
Ohlandt, D. W., & Sons:		Romesburg, Miles:	
rice-----	14354	butter-----	14378
Olinde, B., & Sons Co., Inc.:		Rosenberg Bros. & Co.:	
flour-----	14330	dried peaches-----	14430, 14431
Omaha Mills. <i>See</i> Pope, E. L.		Safer-Phillips:	
Orangeburg Foods, Inc.:		tomatoes in sauce-----	14471
dill pickles-----	14464	Salem Packing Co.:	
Oregon Foods, Inc.:		canned tomatoes-----	14468
canned string beans-----	14447	Salinas Celery Distributors:	
Orosi Vegetable Growers:		celery-----	14449
celery-----	14448	Schuler Chocolates, Inc.:	
Owensboro Grain Co.:		candy-----	14367, 14368
soybean oil meal-----	14397	Schultz, Baujan & Co., Inc.:	
Pacific Food Products Co. <i>See</i> Firnstahl, J. P.		corn meal-----	14323
Parrott & Co.:		Sea-Land Foods Corp.:	
canned mackerel-----	14402	canned blueberries-----	14423

	N. J. No.		N. J. No.
Sea-Land Frosted Foods Corp.:		Tardella Flour Co.:	
canned blueberries.....	14422	flour.....	14342
Selby Produce Co., Inc.:		Toledo, M. S.:	
frozen whole eggs.....	14393	celery.....	14450
Shellabarger's, Inc.:		Tubbs Co.:	
flour.....	14331	Absorbex C.....	14498
Simon, Morris:		M.....	14498, 14499
shredded coconut.....	<sup>1</sup> 14488	United Grain & Milling Co.:	
Sisk, Albert W., & Son:		flour.....	14329, 14335
canned tomatoes.....	14468	United States Macaroni Mfg. Co.:	
Skrmetta Seafood Co.:		macaroni and noodle products.....	14343
canned shrimp.....	14416	Van Camp Sea Food Co., Inc.:	
Smiley, Vandruff:		canned sardines.....	14407
cream.....	14391	Vernon-Pope Pecan Shellers:	
Somerset Packing Co., Inc.:		pecan meats.....	14482
canned tomatoes.....	14468	Vican, W. P.:	
Soukup Produce Co.:		bread and rolls.....	14306
cream.....	14391	Virginia-Carolina Peanut Co.:	
Southern Cotton Oil Co.:		peanuts.....	14481
cottonseed meal.....	14398	Vitamelk Bread, Inc.:	
Southern Maid Bakeries:		bread.....	<sup>1</sup> 14308
canned fruit cake.....	14316	Wade, R. M.:	
Spring Valley Creamery:		cookies.....	14317
butter.....	14376	Waldman's Fish Co.:	
Spring Valley Dairy Products Co.		tullibeas.....	14409
See Fowler, R. E.		Watkins Produce Co.:	
Springfield Milling Corp.:		canned tomatoes.....	14466
plain flour and enriched flour..	14342	Weintraub, L. J.:	
Stambler, Louis:		coffee cake and bread.....	14315
chocolate candy bars.....	14364	Weintraub Baking Co., Inc.:	
Stephan, L. A.:		coffee cake and bread.....	14315
bread.....	14312	West Foods:	
Stephan Baking Co., Inc.:		canned mushrooms.....	14461
bread.....	14312	Weyl-Zuckerman & Co.:	
Sumter Farm & Stock Co.:		celery.....	14454
enriched self-rising flour.....	14339	White, H. D.:	
Sunette Dairy Co., Inc.:		pepper, ground red.....	14494
cheese.....	14385	peppers, dried red.....	14493
Superior Biscuit Co.:		Whittier Walnut Packing Co.	
cookies.....	14318	See Groobman, Louis.	
Surplus Sales Stores of Honolulu,		Wilkins-Rogers Milling Co.:	
Ltd.:		shelled corn.....	14346
chocolate candy bars.....	14364	Wool, F. G., Packing Co.:	
Sweetheart Bakery Co.:		canned fruit cocktail.....	14427
bread and buns.....	14305	Wride, George W., Co.:	
Swift & Co.:		candy Easter eggs.....	14369
butter.....	14382	Zentner, J. See Levy, A., & J.	
		Zentner Co.	

<sup>1</sup> (14308, 14485, 14488) Prosecution contested.





FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT.

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

14501-14700

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

JOHN L. THURSTON, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *September 26, 1949.*

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**BEVERAGES AND BEVERAGE MATERIALS**

**14501. Adulteration of green coffee. U. S. v. 204 Bags \* \* \*. (F. D. C. No. 25989. Sample No. 2296-K.**

**LIBEL FILED:** October 29, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about June 11, 1948, from Medellin, Colombia.

**PRODUCT:** 204 bags, each containing approximately 154 pounds, of green coffee at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 22, 1948. Eppens, Smith Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The salvaging operations resulted in the destruction of 573 pounds of coffee.

**14502. Adulteration and misbranding of canned orangeade. U. S. v. 298 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26084, 26148. Sample Nos. 1125-K, 23908-K.)**

**LIBELS FILED:** On or about December 6 and 22, 1948, Northern District of Georgia and Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about October 4 and November 12, 1948, by the Foster Citrus Concentrates, Inc., from Dunedin, Fla.

**PRODUCT:** 617 cases, each containing 12 46-ounce cans of orangeade at Atlanta, Ga., and Birmingham, Ala.

**LABEL, IN PART:** "Hi-C Vitamin Enriched Brand Orange Ade."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed orange material; Section 402 (b) (1), a valuable constituent, ascorbic acid (vitamin C), had been in whole or in part omitted from the article; and, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the vignette of a half of an orange, together with a glass of orange juice and a picture of juice dripping from a half of an orange into a glass, were misleading since they suggested that the article was orange juice, whereas it was not orange juice. Further misbranding, Section 403 (a), certain label statements were false and misleading. These statements suggested that the article was equal to or superior to orange juice as a source of vitamin C, that use of the article would be effective in building sound teeth and bones and resistance to fatigue and colds, and that the article contained 30 milligrams of vitamin C per 16 ounces of the product. The article was not equal to orange juice as a source of vitamin C; it would not be effective in building sound teeth and bones and resistance to fatigue and colds; and it contained less than the stated amount of vitamin C.

**DISPOSITION:** January 6 and February 7, 1949. Default decrees of condemnation and destruction.



**14503. Adulteration and misbranding of tomato juice. U. S. v. 831 Cases \* \* \***  
(and 1 other seizure action). (F. D. C. Nos. 24321, 24890. Sample  
Nos. 5121-K 9606-K.)

**LIBELS FILED:** January 29 and June 14, 1948, Eastern District of New York and  
District of Massachusetts.

**ALLEGED SHIPMENT:** On or about October 29, 1947, and May 10, 1948, by the  
Adams Apple Products Corp., from Aspers and Bendersville, Pa.

**PRODUCT:** Tomato juice. 831 cases, each containing 24 1-pint, 2-ounce cans,  
at Brooklyn, N. Y., and 1,669 cases, each containing 6 3-quart cans, at Charles-  
town, Mass.

**LABEL, IN PART:** "D. Mann Tomato Juice," "Wagner's Tomato Juice," "Erna  
Brand Tomato Juice," or "LaSalle Tomato Juice."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to con-  
form to the definition and standard of identity for canned tomato juice since  
the article had not been processed by heat so as to prevent spoilage.

Adulteration, Section 402 (a) (3), (1,669 cases) the article consisted in  
whole or in part of a decomposed substance by reason of the presence of decom-  
posed tomato juice.

**DISPOSITION:** July 14 and October 1, 1948. Default decrees of condemnation  
and destruction.

**14504. Adulteration of tomato juice. U. S. v. 494 Cases \* \* \*. (F. D. C.**  
No. 26841. Sample No. 20188-K.)

**LIBEL FILED:** March 8, 1949, Northern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about February 14, 1949, by the Morgan Packing Co.,  
from Austin, Ind.

**PRODUCT:** 494 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice  
at Tulsa, Okla.

**LABEL, IN PART:** "Belle Isle Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a decomposed substance by reason of the presence of decom-  
posed tomato material.

**DISPOSITION:** March 15, 1949. Default decree of condemnation and destruction.

**14505. Adulteration of tomato juice. U. S. v. 319 cases \* \* \*. (F. D. C. No.**  
25086. Sample No. 5073-K.)

**LIBEL FILED:** July 12, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about May 28, 1948, by the Garden State Canning Co.,  
from Hightstown, N. J.

**PRODUCT:** 319 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice  
at Brighton, Mass.

**LABEL, IN PART:** "Windbrook Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in  
whole or in part of a decomposed substance by reason of the presence of decom-  
posed tomato material.

**DISPOSITION:** September 21, 1948. Default decree of condemnation and destruc-  
tion.

**14506. Adulteration and misbranding of tomato juice. U. S. v. 545 Cases \* \* \*. (F. D. C. No. 24343. Sample No. 13042-K.)**

**LIBEL FILED:** February 10, 1948, District of New Jersey.

**ALLEGED SHIPMENT:** On or about January 24, 1948, by the Schuylkill Valley Grocery Co., Inc., from Bridgeport, Pa.

**PRODUCT:** 545 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Hightstown, N. J.

**LABEL, IN PART:** (Cans). "Norris Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato juice since it contained seeds, skins, and other coarse or hard substances, whereas the standard requires that tomato juice be strained free from such substances.

**DISPOSITION:** March 19, 1948. Default decree of condemnation and destruction

**14507. Misbranding of Bevco Stabilizer. U. S. v. 8 Jugs \* \* \*. (F. D. C. No. 26139. Sample No. 3234-K.)**

**LIBEL FILED:** December 16, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about May 18, 1948, by Chandler Laboratories, Inc., from Philadelphia, Pa.

**PRODUCT:** 8 1-gallon jugs of Bevco Stabilizer at Baltimore, Md. The product was an aqueous solution of a quaternary ammonium salt in the proportion of  $\frac{1}{2}$  gram per 100 cc.

**LABEL, IN PART:** "Bevco Stabilizer \* \* \* Directions: Use  $\frac{1}{2}$  ounce to each gallon of prepared syrup or to 6 gallons of finished product. \* \* \* contains less than  $2\frac{1}{2}\%$  pure quaternary ammonium chloride. \* \* \* is not a finished food product and is for manufacturing use only."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the labeling of the article was misleading since the trade name "Bevco," coupled with the directions for its use, represented to purchasers of the article that it was wholesome and suitable for use as a component of beverages for man, whereas the article contained a quaternary ammonium compound, which is a poisonous and deleterious substance, and the labeling failed to reveal the material fact, in the light of the representations made thereon, that the article contained a poisonous and deleterious substance.

**DISPOSITION:** March 28, 1949. Default decree of condemnation and destruction.

**14508. Adulteration of manioc meal. U. S. v. 240 Bags \* \* \*. (F. D. C. No. 25727. Sample No. 19285-K.)**

**LIBEL FILED:** October 20, 1948, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 22, 1946, from New York, N. Y.

**PRODUCT:** 240 100-pound bags of manioc meal in the possession of Christ-Diehl Brewing Co., Inc., Defiance, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.



**DISPOSITION:** November 29, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**14509. Adulteration of manioca meal. U. S. v. 180 Bags \* \* \*. (F. D. C. No. 26032. Sample No. 12982-K.)**

**LIBEL FILED:** November 15, 1948, District of New Jersey.

**ALLEGED SHIPMENT:** On or about January 31, 1947, from New York, N. Y.

**PRODUCT:** 180 bags, each containing 100 pounds, of manioca meal at Trenton, N. J., in possession of the Peoples Brewing Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 26, 1949. Default decree of condemnation and destruction.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**14510. Adulteration of bakery products. U. S. v. Heimbach Baking Corp. and Donald K. Normington. Plea of guilty by corporation and plea of nolo contendere by individual. Fine of \$150 against corporation and \$50 against individual. (F. D. C. No. 26335. Sample Nos. 13284-K, 13285-K, 13288-K.)**

**INFORMATION FILED:** February 23, 1949, Eastern District of Pennsylvania, against the Heimbach Baking Corp., Allentown, Pa., and Donald K. Normington, president.

**ALLEGED SHIPMENT:** On or about November 17 and 18, 1948, from the State of Pennsylvania into the State of New Jersey.

**LABEL, IN PART:** "Heimbach's Rolls," "Heimbach's Sweet Treats," or "Heimbach's Good Loaf."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** April 12, 1949. A plea of guilty having been entered on behalf of the corporation and the individual defendant having pleaded nolo contendere, the court imposed a fine of \$50 on each of three counts against the corporation and a fine of \$20 on counts 1 and 2 and \$10 on count 3 against the individual, a total fine of \$200.

**14511. Adulteration of buns. U. S. v. Owl Baking Co. Plea of guilty. Fine, \$250. (F. D. C. No. 24082. Sample No. 26328-K.)**

**INFORMATION FILED:** January 22, 1948, Eastern District of Missouri, against the Owl Baking Co., a corporation, St. Louis, Mo.

**ALLEGED SHIPMENT:** On or about September 29, 1947, from the State of Missouri into the State of Illinois.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 16, 1948. A plea of guilty having been entered, a fine of \$1,000 was imposed with a stay of execution for sixty days, pending a reinspection by the Food and Drug Administration. On April 29, 1948, the fine was reduced to \$250.

**14512. Adulteration of cookies. U. S. v. 15 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 25230, 25236. Sample Nos. 19745-K, 19929-K.)

**LIBELS FILED:** July 30 and August 3, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 22 and 24, 1948, by the Carr-Consolidated Biscuit Co., from Wilkes-Barre, Pa.

**PRODUCT:** 15 cases, each containing 12 13-ounce packages, of cookies at Dayton, Ohio, and 18 dozen 13-ounce packages of cookies at Columbus, Ohio.

**LABEL, IN PART:** "Carr Orchid Selection."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 5 and February 5, 1949. Default decrees of condemnation. The Columbus lot was ordered destroyed and the Dayton lot was ordered converted into stock feed.

**14513. Adulteration of pretzels. U. S. v. 200 Cases \* \* \* (and 4 other seizure actions).** (F. D. C. Nos. 23702, 23713, 23714, 23725, 24303. Sample Nos. 65878-H, 65879-H, 8247-K to 8249-K, incl., 9001-K, 9002-K, 12904-K, 12905-K.)

**LIBELS FILED:** September 15, 22, 23, and 26, 1947, and January 12, 1948, District of Delaware, District of New Jersey, and Eastern District of New York.

**ALLEGED SHIPMENT:** On or about July 28, August 14 and 27, and November 29, 1947, by the Pennsylvania Pretzel Corp., from Allentown, Pa.

**PRODUCT:** Pretzel sticks. 222 8-pound cans, 309 4½-pound cans, and 327 5-pound cans, and 103 cans, each containing 200 pretzel sticks, 327 cans, each containing 175 pretzel sticks, and 81 cans, each containing 150 pretzel sticks, in various lots, at Wilmington, Del., Garfield, Trenton, and Perth Amboy, N. J., and Long Island City, N. Y.

**LABEL, IN PART:** (Portion) "Layfield Pretzels" or "Layfield's Genuine Pennsylvania Quality Pretzels."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** On November 14, 1947, and February 16, 1948, no claimant having appeared for the Long Island City and Perth Amboy lots, judgments of condemnation were entered and the product was ordered destroyed. On October 6 and November 5 and 10, 1947, the Pennsylvania Pretzel Corp., claimant for



the remaining lots, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

**14514. Adulteration of pretzels. U. S. v. 248 Cans, etc. (F. D. C. No. 24899. Sample Nos. 12707-K to 12709-K, incl.)**

**LIBEL FILED:** On or about June 25, 1948, District of New Jersey.

**ALLEGED SHIPMENT:** On or about May 27, 1948, by the Pennsylvania Butter Pretzel Co., from Easton, Pa.

**PRODUCT:** 248 cans, each containing 5 pounds, of pretzels, and 73 cans, each containing 200 pretzels, at Camden, N. J.

**LABEL, IN PART:** "Cadet Butter Pretzels."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

**DISPOSITION:** July 23, 1948. Default decree of condemnation. It was ordered that the product be delivered to a charitable institution and that the containers be returned to the owner.

**14515. Adulteration of pretzels and pretzel sticks. U. S. v. 150 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 23816, 23972. Sample Nos. 16201-K, 16202-K, 20924-K.)**

**LIBELS FILED:** November 14 and 25, 1947, Eastern District of Michigan and District of Nebraska.

**ALLEGED SHIPMENT:** On or about September 3 and 4, 1947, by the Hygrade Bakery Co., from Philadelphia, Pa.

**PRODUCT:** 100 cases, each containing 24 6-ounce packages, of pretzels, and 50 cases, each containing 24 10-ounce packages, of pretzel sticks at Detroit, Mich., and 87 cases, each containing 6 16-ounce cans, of pretzel sticks at Omaha, Nebr.

**LABEL, IN PART:** (Portions) "Crispa Pretzel Salty Thins Net Weight 6 Ozs. [or "Crispa Pretzel Stix Net Weight 10 Ozs.]" \* \* \* Blaney Bakeries, Inc., Sales Offices, New York, N. Y."; (remainder) "Supreme Pretzel Stix Net Weight 16 Oz. \* \* \* Packed for United Biscuit Company of America Chicago, Ill."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** November 14 and 25, 1947. No claimant having appeared for the Michigan lot and the sole intervener for the Nebraska lot having consented to the entry of a decree, judgments of condemnation and destruction were entered.

### CORN MEAL

**14516. Adulteration of corn meal. U. S. v. Claude Dinkins (Manning Milling Co.). Plea of guilty. Fine, \$1,000. (F. D. C. No. 25334. Sample Nos. 60-K to 62-K, incl., 69-K, 71-K, 167-K, 285-K, 286-K.)**

INFORMATION FILED: November 26, 1948, Eastern District of South Carolina, against Claude Dinkins, trading as the Manning Milling Co., Manning, S. C.

ALLEGED SHIPMENT: On or about June 30 and July 2, 6, 9, and 15, 1948, from the State of South Carolina into the State of Georgia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect heads, insect fragments, rodent hair fragments, whole insects, and rodent excreta fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 17, 1949. A plea of guilty having been entered, the defendant was fined \$1,000.

**14517. Adulteration of corn meal. U. S. v. 67 Bags, etc. (F. D. C. No. 25082. Sample No. 768-K.)**

LIBEL FILED: July 13, 1948, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 23, 1948, by the Happyvale Flour Mills, from Fort Valley, Ga.

PRODUCT: Corn meal. 67 unlabeled 100-pound bags, 2,000 24-ounce bags, and 900 5-pound bags at Jacksonville, Fla.

LABEL, IN PART: (Portion) "Everfresh Sanson Water Ground Style Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect parts.

DISPOSITION: August 26, 1948. The Griffin Grocery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

**14518. Adulteration of corn meal. U. S. v. 244 Bags \* \* \*. (F. D. C. No. 26573. Sample Nos. 46239-K, 46240-K.)**

LIBEL FILED: February 26, 1949, Western District of Arkansas; amended March 4, 1949.

ALLEGED SHIPMENT: On or about January 7, 1949, by the Durant Milling Co., from Durant, Okla.

PRODUCT: 244 5-pound bags and 285 10-pound bags of corn meal at Ashdown, Ark.

LABEL, IN PART: "DMCO Bolted White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 4, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**14519. Adulteration of corn meal. U. S. v. 13 Bales \* \* \*. (F. D. C. No. 26572. Sample No. 46237-K.)**

LIBEL FILED: On or about February 25, 1949, Eastern District of Texas,



**ALLEGED SHIPMENT:** On or about December 17, 1948, by the Durant Milling Co., from Durant, Okla.

**PRODUCT:** 13 bales, each containing 10 5-pound bags, of corn meal at De Kalb, Tex.

**LABEL, IN PART:** "Red Warrior Bolted White Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hair fragments, which rendered the product unfit for human consumption; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 28, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**14520. Adulteration of corn meal. U. S. v. 35 Cases \* \* \*. (F. D. C. No. 24680. Sample No. 18955-K.)**

**LIBEL FILED:** June 14, 1948, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about December 5, 1947, by the Quaker Oats Co., from Cedar Rapids, Iowa.

**PRODUCT:** 35 cases, each containing 24 1-pound, 8-ounce boxes, of corn meal at Evansville, Ind.

**LABEL, IN PART:** "Quaker Yellow Corn Meal."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** September 24, 1948. Default decree of forfeiture and destruction.

### FLOUR \*

**Nos. 14521 to 14530** report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) The flour reported in **Nos. 14530 and 14531** failed to meet the standard for enriched flour.

**14521. Adulteration of flour. U. S. v. 320 Bags \* \* \*. (F. D. C. No. 25883. Sample No. 32494-K.)**

**LIBEL FILED:** October 29, 1948, District of Nevada.

**ALLEGED SHIPMENT:** On or about January 28, 1948, from Salt Lake City, Utah.

**PRODUCT:** 320 50-pound bags of flour at Ely, Nev., in the possession of Nevada Feed & Livestock.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth, because of the presence of rodent pellets and rodent urine on the bags. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 3, 1948. Default decree of condemnation and destruction.

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\*See also No. 14552.

**14522. Adulteration of flour. U. S. v. 208 Bags \* \* \*. (F. D. C. No. 25414.**  
Sample Nos. 23036-K to 23039-K, incl.)

**LIBEL FILED:** September 27, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about April 17 and June 9 and 25, 1948, from Wichita Falls and Sherman, Tex., and Oklahoma City, Okla.

**PRODUCT:** 113 50-pound bags and 95 25-pound bags of flour at Shreveport, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 21, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed.

**14523. Adulteration of flour. U. S. v. 90 Bags \* \* \*. (F. D. C. No. 25686.**  
Sample No. 6150-K.)

**LIBEL FILED:** October 6, 1948, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 11, 1948, by the W. J. Jennison Co., from Appleton, Minn.

**PRODUCT:** 90 100-pound bags of flour at Johnstown, Pa.

**LABEL, IN PART:** "Sweet Cream Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 7, 1949. Default decree of condemnation and destruction.

**14524. Adulteration of flour. U. S. v. 40 Bags \* \* \*. (F. D. C. No. 25793.**  
Sample No. 1000-K.)

**LIBEL FILED:** On or about October 28, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about August 5, 1948, from Fort Worth, Tex.

**PRODUCT:** 40 25-pound bags of flour at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 17, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as animal feed.

**14525. Adulteration of flour. U. S. v. 600 Sacks \* \* \*. (F. D. C. No. 24368.**  
Sample No. 3329-K.)

**LIBEL FILED:** March 3, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about January 15, 1948, by Owings Bros., Inc., from Glen Rock, Pa.

**PRODUCT:** 600 100-pound sacks of flour at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insects fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.



**DISPOSITION:** March 10, 1948. Owings Bros., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

**14526. Adulteration of self-rising flour. U. S. v. 62 Bags, etc.** (F. D. C. No. 26088. Sample Nos. 3223-K to 3225-K, incl., 3780-K, 3781-K.)

**LIBEL FILED:** December 15, 1948, Eastern District of North Carolina; amended libel filed March 16, 1949.

**ALLEGED SHIPMENT:** On or about October 20 and November 30, 1948, by Swoope Milling Co., Inc., Swoope, Va.

**PRODUCT:** Self-rising flour. 62 25-pound bags, 29 50-pound bags, and 17 100-bags, 6 100-pound drums, and 2 200-pound barrels at Mt. Olive, N. C.

**LABEL, IN PART:** (Bags) "Enriched Fair Maid Self-Rising Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

**DISPOSITION:** May 9, 1949. Default decree of condemnation. The product was ordered denatured so that it could not be disposed of for human consumption.

**14527. Adulteration of whole wheat flour and pastry flour. U. S. v. 120 Bags \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 24901, 25104. Sample Nos. 5076-K, 40129-K.)

**LIBELS FILED:** June 21 and July 16, 1948, District of Maryland and District of Massachusetts.

**ALLEGED SHIPMENT:** On or about May 19 and June 2, 1948, by the Lakeview Milling Co., from Chambersburg, Pa.

**PRODUCT:** 120 100-pound bags of whole wheat flour at Baltimore, Md., and 48 100-pound sacks of pasty flour at Boston, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments, larvae, rodent hair fragments, rodent hairs, and rodent excreta; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** July 14 and 26, 1948. The Lakeview Milling Co., Chambersburg, Pa., claimant for the Maryland lot, and the Thurman Co., Boston, Mass., claimant for the Massachusetts lot, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

**14528. Adulteration of cake flour. U. S. v. 6 Sacks \* \* \*. (F. D. C. No. 26531. Sample No. 25475-K.)**

**LIBEL FILED:** February 4, 1949, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 9, 1948, from Omaha, Nebr.

**PRODUCT:** 6 100-pound sacks of cake flour at Dubuque, Iowa, in possession of the Holsum Baking Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects,

rodent urine, and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 15, 1949. Default decree of condemnation. The product was ordered sold to be denatured for use as animal feed.

**14529. Adulteration of flour. U. S. v. 39 Bags \* \* \*. (F. D. C. No. 26568. Sample No. 48327-K.)**

LIBEL FILED: February 25, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 30, 1948, from Buffalo, N. Y.

PRODUCT: 39 100-pound bags of flour at Williamsport, Pa., in the possession of Reeves Parvin & Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 17, 1949. Default decree of condemnation and destruction.

**14530. Adulteration and misbranding of enriched flour. U. S. v. 129 Bags \* \* \*. (F. D. C. No. 25148. Sample No. 22305-K.)**

LIBEL FILED: August 3, 1948, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about May 17, 1948, by the Ph. H. Postel Milling Co., from Mascoutah, Ill.

PRODUCT: 129 25-pound bags of enriched flour at Vicksburg, Miss.

LABEL, IN PART: "Ph. H. Postel's Elegant Enriched Soft Wheat Phosphated Bleached Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (b) (1), valuable constituents, vitamin B<sub>1</sub> and iron, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since it contained less than 2.0 milligrams of vitamin B<sub>1</sub> and less than 13 milligrams of iron per pound.

DISPOSITION: November 15, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution, for use as animal feed; otherwise, it was to be destroyed. The product was subsequently destroyed.

**14531. Adulteration and misbranding of enriched flour. U. S. v. 8 Bales \* \* \*. (F. D. C. No. 25976. Sample No. 2832-K.)**

LIBEL FILED: November 3, 1948, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about September 24, 1948, by the Valier & Spies Milling Co., from St. Louis, Mo.

PRODUCT: 8 bales, each containing 25 2-pound bags, of enriched flour at Wilmington, N. C.

LABEL, IN PART: "Valier's Dainty Vitamin and Mineral Enriched Flour Bleached,"



**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, iron and vitamin B<sub>1</sub>, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since it contained less than 2.0 milligrams of vitamin B<sub>1</sub> and less than 13.0 milligrams of iron per pound; and, Section 403 (a), the label statement "contains not less than the following proportions of the Minimum Daily Requirements of: Thiamine 100% \* \* \* Iron 65% \* \* \*" was false and misleading as applied to an article containing less than the declared amount of thiamine and iron.

**DISPOSITION:** December 30, 1948. Default decree of condemnation and destruction.

### MACARONI AND NOODLE PRODUCTS

**14532. Adulteration of macaroni and noodle products. U. S. v. Crescent Macaroni & Cracker Co. and Carl B. Schmidt. Pleas of guilty. Fine of \$87.50 and costs against company and \$87.50 against individual. (F. D. C. No. 24801. Sample Nos. 24223-K, 24225-K, 24226-K, 24231-K, 24547-K, 24548-K, 24550-K, 24551-K, 24958-K.)**

**INFORMATION FILED:** June 15, 1948, Southern District of Iowa, against the Crescent Macaroni & Cracker Co., a corporation, Davenport, Iowa, and Carl B. Schmidt, president.

**ALLEGED SHIPMENT:** On or about February 24, 26, and 27, 1948, from the State of Iowa into the States of Minnesota and Illinois.

**LABEL, IN PART:** (Portions) "Bulk No. 101 Spaghetti" and "Crescent Brand \* \* \* Egg Noodles [or "Macaroni," "Macronets," or "Jumbo Rings"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, mites, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** April 5, 1949. Pleas of guilty having been entered, the court imposed a fine of \$87.50 and costs against the company and \$87.50 against the individual.

**14533. Adulteration of macaroni and noodle products. U. S. v. 21 Cases, etc. (and 2 other seizure actions). (F. D. C. Nos. 24574, 24581, 24601. Sample Nos. 24560-K to 24562-K, incl., 25086-K to 25088-K, incl., 26171-K, 26172-K.)**

**LIBELS FILED:** On or about March 25 and April 1 and 26, 1948, District of North Dakota, Western District of Wisconsin, and Western District of Missouri.

**ALLEGED SHIPMENT:** On or about March 2, 3, and 4, 1948, by the Quality Macaroni Co., from St. Paul, Minn.

**PRODUCT:** 181 cases, each containing 24 2-pound packages, and 33 5-pound boxes, of macaroni; 10 10-pound boxes, 68 5-pound boxes, and 67 cases, each containing 24 2-pound packages, of spaghetti; and 7 cases, each containing 12 1-pound packages, of noodles, at Fargo, N. Dak., Sheldon, Wis., and Joplin, Mo.

**LABEL, IN PART:** "Our Family \* \* \* Macaroni [or "Spaghetti"]," "Q-M-C Brand Elbow Macaroni [or "Spaghetti"]," "Quality Brand Fancy Egg Noodles," or "Hollywood Brand Macaroni [or "Spaghetti"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** May 10 and 25 and during June 1948. The interveners in the North Dakota case having consented to the entry of a decree, and no claimant having appeared in the other cases, judgments of condemnation were entered. The Wisconsin lot of the product was ordered sold or disposed of for purposes other than for human consumption, and the other lots of the product were ordered destroyed.

**14534. Adulteration of spaghetti dinner. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 26599. Sample No. 57981-K.)**

**LIBEL FILED:** February 18, 1949, District of Arizona.

**ALLEGED SHIPMENT:** On or about June 4, 1948, from Los Angeles, Calif.

**PRODUCT:** 10 cases, each containing 16 12-ounce cartons, of spaghetti dinner at Nogales, Ariz.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 2, 1949. Default decree of condemnation and destruction.

**MISCELLANEOUS CEREALS AND CEREAL PRODUCTS**

**14535. Adulteration of rice. U. S. v. 34 Bags \* \* \*. (F. D. C. No. 25162. Sample No. 19631-K.)**

**LIBEL FILED:** August 4, 1948, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about October 20, 1947, from Stuttgart, Ark.

**PRODUCT:** 34 25-pound bags of rice at Middlesboro, Ky., in possession of the Middlesboro Wholesale Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 27, 1948. Default decree of condemnation and destruction.

**14536. Adulteration of rice. U. S. v. 200 Sacks \* \* \*. (F. D. C. No. 26184. Sample No. 34026-K.)**

**LIBEL FILED:** November 29, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about September 3, 1948, by the Farmers' Rice Growers Cooperative, from San Francisco, Calif.

**PRODUCT:** 200 100-pound sacks of rice at San Francisco, Calif., consigned to Honolulu, T. H.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent



urine; and, Section 402 (a). (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 10, 1948. Castle & Cooke, Ltd., Honolulu, T. H., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the salvaging of the fit portion and the denaturing of the unfit portion, for use as stock or poultry feed. Of the 200 sacks seized, 107 sacks were salvaged as fit for human consumption, and the remainder were denatured.

**14537. Adulteration of broken rice. U. S. v. 5,000 Sacks \* \* \*. (F. D. C. No. 25928. Sample Nos. 29238-K, 29617-K.)**

**LIBEL FILED:** November 16, 1948, District of Colorado.

**ALLEGED SHIPMENT:** On or about September 21, 22, 23, and 24, 1948, by the Farmers' Rice Growers Cooperative, from Sacramento, Calif.

**PRODUCT:** 5,000 100-pound sacks of broken rice at Brighton, Colo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** April 4, 1949. The Farmers' Rice Growers Cooperative, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond so that the rice could be subjected to a brushing process to eliminate the insect infestation, under the supervision of the Federal Security Agency.

**14538. Misbranding of Kellogg's Rice Krispies. U. S. v. 945 Cases \* \* \*. (F. D. C. No. 24380. Sample No. 41601-K.)**

**LIBEL FILED:** March 18, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 12, 1948, by the Kellogg Sales Co., from Battle Creek, Mich.

**PRODUCT:** 945 cases, each containing 36 5½-ounce packages, of Kellogg's Rice Krispies at Chicago, Ill.

**LABEL. IN PART:** (Package) "Kellogg's Rice Krispies."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the following statements borne on the label were misleading: "Rice Krispies—Restored to Whole Grain Nutritive Value \* \* \* Each Serving (one cup) supplies important amounts of your daily nutritional requirements \* \* \* Rice Krispies 1 cup (1 ounce), Calories 108, Protein, grams 1.9, Fat, grams 0.08, Carbohydrates, grams 24.9, Calcium, mg. 7.1, Phosphorus, mg. 32.3, Iron, mg. 0.5, Vitamin A. I. U." The statements represented and suggested that one cup of the product supplied important amounts of one's nutritional requirements for calories, proteins, fat, carbohydrates, calcium, phosphorus, vitamin A, and iron, whereas the product would supply nutritionally unimportant quantities of these factors.

Further misbranding, Section 403 (j), the product was represented as a food for special dietary uses by reason of its niacin, vitamin B<sub>1</sub>, calcium, phosphorus, and iron content; and its label failed to bear such information concerning its vitamin and mineral properties as the Federal Security Administrator had determined to be, and by regulations prescribed as, necessary to inform purchasers as to its value for such uses, since its label failed to bear a statement of the proportion of the minimum daily requirements of vitamin B<sub>1</sub>, calcium, phosphorus, and iron supplied by the product when consumed in a specified quantity during a period of one day.

**DISPOSITION:** The Kellogg Sales Co., Battle Creek, Mich., appeared as claimant and consented to the entry of a decree on the charge under Section 403 (a), but refused to consent to a decree on the issue arising under Section 403 (j).

On November 23, 1948, the court made its finding that the product was misbranded in violation of Section 403 (a), and ordered that the product be condemned and delivered to a public institution. The court ruled further that condemnation effectively disposed of the case and that the issue arising from the charge under Section 403 (j) was moot, and refused to decide such issue and ordered the charge dismissed.

**14539. Adulteration of pie crust and pastry mix. U. S. v. 52 Cases \* \* \*. (F. D. C. No. 25866. Sample No. 194-K.)**

**LIBEL FILED:** On or about October 27, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about December 8, 1947, from Kokomo, Ind.

**PRODUCT:** 52 cases, each containing 12 8-ounce packages, of pie crust and pastry mix at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 17, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as animal feed.

**14540. Adulteration of doughnut flour mix. U. S. v. 2 Bags \* \* \*. (F. D. C. No. 26513. Sample No. 27340-K.)**

**LIBEL FILED:** February 9, 1949, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 4, 1949, by the Dixie Cream Flour Co., from St. Louis, Mo.

**PRODUCT:** 2 100-pound bags of doughnut flour mix at Springfield, Ill.

**LABEL, IN PART:** "Dixie Cream Donut Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 26, 1949. Default decree of condemnation and destruction.

**14541. Adulteration of cereal binder. U. S. v. 17 Bags \* \* \*. (F. D. C. No. 25408. Sample No. 19530-K.)**

**LIBEL FILED:** August 25, 1948, Middle District of Tennessee.

**ALLEGED SHIPMENT:** On or about January 12 and February 10, 1948, from Faribault, Minn.

**PRODUCT:** 17 100-pound bags of cereal binder at Nashville, Tenn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 27, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as hog feed.



**CONFECTIONERY AND RELATED PRODUCTS****CANDY\***

**14542. Adulteration of candy. U. S. v. Capital City Candy Co. and Robert L. Jackson. Pleas of nolo contendere. Fine, \$1,200. (F. D. C. No. 19524. Sample Nos. 1074-H, 1615-H, 1701-H, 1702-H.)**

**INFORMATION FILED:** August 13, 1946, Northern District of Georgia, against the Capital City Candy Co., a partnership, Atlanta, Ga., and Robert L. Jackson, a partner in the partnership.

**ALLEGED SHIPMENT:** On or about December 10, 14, 17, and 19, 1945, from the State of Georgia into the States of South Carolina, Tennessee, and Alabama.

**LABEL, IN PART:** "Tip Top Bars Superior Candies."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 2, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$1,200. Upon the admission by Robert L. Jackson that he was fully responsible for the actions of the partnership, the court treated the case as having only one defendant.

**14543. Adulteration of candy. U. S. v. 362 Boxes, etc. (and 4 other seizure actions). (F. D. C. Nos. 24212, 24213, 24301, 24309, 24310. Sample Nos. 2018-K, 3320-K, 9006-K, 9724-K to 9728-K, incl., 12121-K.)**

**LIBELS FILED:** On or about January 6, 8, 15, 21, and 26, 1948, District of New Jersey, Southern District of New York, District of Maryland, and District of Columbia.

**ALLEGED SHIPMENT:** On or about November 5, 17, 19, and 20, and December 8, 1947, by Just Born, Inc., from Bethlehem, Pa.

**PRODUCT:** Chocolate bridge mix. 4 30-pound cases at Collingswood, N. J.; 5 30-pound cartons at Baltimore, Md.; and 174 30-pound cartons and 3,000 pounds in second-hand containers at Washington, D. C.

Mixed candy. 362 boxes, each containing 144 pieces, and 110 boxes, each containing 180 pieces, at Union City, N. J.; and 18 boxes, each containing 144 pieces, at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** January 20, February 26, March 5 and 8, and April 1, 1948. Default decrees of condemnation and destruction.

**14544. Adulteration of candy. U. S. v. 126 Boxes \* \* \* (and 1 other seizure action). (F. D. C. Nos. 23804, 23805. Sample Nos. 36301-K, 36302-K.)**

**LIBELS FILED:** October 13, 1947, Western District of Washington.

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\*See also No. 14677.

ALLEGED SHIPMENT: On or about August 25, 1947, by the Sisco-Hamilton Co., from Chicago, Ill.

PRODUCT: 142 boxes each containing 24 1 $\frac{3}{4}$ -ounce candy bars at Tacoma, Wash.

LABEL, IN PART: "The Sisco Kid."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 15, 1948. Default decrees of condemnation. The product was ordered delivered to a Federal institution, for use as stock feed.

**14545. Adulteration of candy. U. S. v. 30 Boxes \* \* \*. (F. D. C. No. 24754. Sample No. 4977-K.)**

LIBEL FILED: April 30, 1948, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 30, 1948, by the Pitt Chocolate Co., from Wilkinsburg, Pa.

PRODUCT: 30 13-ounce boxes of candy at Brockton, Mass.

LABEL, IN PART: "Pitt Finest Cordial Chocolate Covered Stem Cherries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 31, 1948. Default decree of condemnation and destruction.

**14546. Adulteration of candy. U. S. v. 20 Boxes \* \* \*. (F. D. C. No. 26020. Sample No. 12878-K.)**

LIBEL FILED: On or about November 15, 1948, District of New Jersey.

ALLEGED SHIPMENT: On or about October 8, 1948, by S. Zitner, from Philadelphia, Pa.

PRODUCT: 20 boxes of candy at Camden, N. J.

LABEL, IN PART: "Zitner's Chocolate Butter Creams 80 Count."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect parts.

DISPOSITION: December 27, 1948. Default decree of condemnation and destruction.

**14547. Adulteration and misbranding of candy. U. S. v. 14 Cases, etc. (F. D. C. No. 26023. Sample Nos. 1510-K, 1511-K.)**

LIBEL FILED: November 18, 1948, Southern District of Florida.

ALLEGED SHIPMENT: On or about September 10, 16, 24, and 30, 1948, by the American Mint Corp., from New York, N. Y.

PRODUCT: Candy. 28 cases, each containing 15 boxes of 20 rolls, at Jacksonville, Fla.

LABEL, IN PART: (Roll) "Net Weight 27 Grams Smiles Rum and Butter [or "Wild Cherry"]."



**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, rum and butter, and wild cherry, respectively, had been in whole or in part omitted from the articles.

Misbranding, Section 403 (a), the names "Rum and Butter" and "Wild Cherry" were false and misleading as applied to products containing little or no rum and butter, or wild cherry; and, Section 403 (e) (2), the articles failed to bear an accurate statement of the quantity of the contents since the statement of weight was not in terms of the avoirdupois ounce.

**DISPOSITION:** January 19, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution.

**14548. Misbranding of candy canes. U. S. v. 7 Boxes \* \* \*. (F. D. C. No. 25944. Sample No. 37648-K.)**

**LIBEL FILED:** November 18, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about October 27, 1948, by the Pearson Candy Co., from Los Angeles, Calif.

**PRODUCT:** 7 cases, each containing 12 boxes, of candy canes at Longview, Wash.

**LABEL, IN PART:** "Pearson's Christmas Canes Net Count 24 Individual cane Net weight 2 oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the product was short-weight.)

**DISPOSITION:** January 21, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**14549. Misbranding of chocolate Easter eggs. U. S. v. 5 Cases \* \* \*. (F. D. C. No. 26597. Sample No. 10977-K.)**

**LIBEL FILED:** On or about February 14, 1949, District of Connecticut.

**ALLEGED SHIPMENT:** On or about January 12, 1949, by the Creston Candy Corp., from New York, N. Y.

**PRODUCT:** 5 cases each containing 12 dozen candy eggs at New Haven, Conn.

**LABEL, IN PART:** "Milk Chocolate Easter Egg Net Wt. 2 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was short-weight.)

**DISPOSITION:** April 8, 1949. Default decree of condemnation. The product was ordered delivered to charitable institutions.

### SIRUP AND SUGAR

**14550. Adulteration of sirup. U. S. v. 80 Drums \* \* \*. (F. D. C. No. 25057. Sample Nos. 8317-K, 8318-K.)**

**LIBEL FILED:** July 6, 1948, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 31 and November 6, 1946, from Brooklyn, N. Y.

**PRODUCT:** 80 650-pound drums of sirup at Newark, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its fermentation. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 14, 1949. Default decree of condemnation and destruction.

**14551. Adulteration and misbranding of sirup. U. S. v. 45 Cases \* \* \*.**  
(F. D. C. No. 22619. Sample No. 60969-H.)

**LIBEL FILED:** March 10, 1947, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 19, 1946, by the Independent Dairy Co., from New York, N. Y.

**PRODUCT:** 45 cases, each containing 24 16-ounce bottles, of sirup at Johnstown, Pa.

**LABEL, IN PART:** "Big Maple Brand Pure Maple Pancake Syrup Pure Cane Sugar Syrup, Pure Maple Syrup \* \* \* Manufactured by Big Maple Food Products New York City, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of unrefined sugar sirup, corn sirup, and water, with a small amount of maple sirup, and containing less soluble solids than maple sirup, had been substituted for "Pure Maple Pancake Syrup," which the product was represented to be.

Misbranding, Section 403 (a), the label statements, "Big Maple Brand Pure Maple Pancake Syrup Pure Cane Sugar Syrup, Pure Maple Syrup," and the design of maple trees, were false and misleading.

**DISPOSITION:** February 18, 1949. A default decree was entered ordering the product delivered to charitable institutions.

**14552. Adulteration of sugar and flour. U. S. v. 59 Bags of Sugar and 12 Bags of Flour.** (F. D. C. No. 26661. Sample Nos. 1425-K, 1426-K.)

**LIBEL FILED:** On or about March 16, 1949, Middle District of North Carolina.

**ALLEGED SHIPMENT:** Sugar. On or about October 8, 1948, from Cuba.

Flour. On or about December 18, 1948, from Springfield, Ill.

**PRODUCT:** 59 100-pound bags of sugar and 12 100-pound bags of flour at Greensboro, N. C., in possession of the Banner Trulove Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 13, 1949. Default decree of condemnation. The products were ordered delivered to charitable institutions, for use as animal feed.

**14553. Adulteration of sugar. U. S. v. 14 Bags \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 25016, 25167. Sample Nos. 37825-K, 40632-K.)

**LIBELS FILED:** July 13 and August 3, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about November 18, 21, and 22, 1947, and January 2, 1948, from Sugarfield and San Francisco, Calif.

**PRODUCT:** Sugar. 14 100-pound bags at Seattle, Wash., in possession of the American Warehouse Co., and 1,562 100-pound bags at Tacoma, Wash., in possession of the Pacific Storage & Distributing Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary



conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 13, 1948. The Western Sugar Refinery Division of J. D. & A. B. Spreckels Co., and the Spreckels Sugar Co., claimants, having admitted the allegations of the libels and consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond for segregation and reprocessing, under the supervision of the Federal Security Agency. A total of 233 bags was segregated from the good material and reprocessed by further refining.

**14554. Adulteration of corn sugar. U. S. v. 51 Bags \* \* \*. (F. D. C. No. 25709. Sample No. 45504-K.)**

**LIBEL FILED:** October 13, 1948, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about July 23, 1948, from Clinton, Iowa.

**PRODUCT:** 51 100-pound bags of corn sugar in the possession of the Potosi Brewing Co., Potosi, Wis.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 8, 1948. Default decree of condemnation. As it appeared, a portion of the product was not contaminated and was ordered sold or otherwise disposed of for human consumption. The unfit portion was ordered sold or otherwise disposed of for use other than for human consumption.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 14555 to 14567; that was below the legal standard for milk fat content, Nos. 14567 to 14575; that was short of the declared weight, Nos. 14577 to 14580; and that was alleged to be of lower quality than labeled, Nos. 14573 to 14576.

**14555. Adulteration of butter and cheese. U. S. v. the Pickaway Dairy Cooperative Association, Inc. Plea of guilty. Fine, \$1,500. (F. D. C. No. 26339. Sample Nos. 2500-K, 15988-K.)**

**INFORMATION FILED:** February 28, 1949, Southern District of Ohio, against the Pickaway Dairy Cooperative Association, Inc., Circleville, Ohio.

**ALLEGED SHIPMENT:** On or about July 31 and August 20, 1948, from the State of Ohio into the States of West Virginia and Michigan.

**LABEL, IN PART:** (Butter, carton) "Distributed by Borden's Huntington, West Virginia Creamery Butter" and (wrapper) "Pickaway Brand Butter Pickaway Dairy-Co-Operative Ass'n. Circleville, Ohio"; (cheese) "Pick-A-Way Dairy Co-Op Association Circleville, Ohio Skim."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of rodent hair fragments

and insect fragments, including fragments of flies; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 25, 1949. The defendant having entered a plea of guilty, the court imposed a fine of \$750 on each of two counts of the information.

**14556. Adulteration of butter. U. S. v. 323 Boxes (21,318 pounds) \* \* \*.**  
(F. D. C. No. 23831. Sample No. 73540-H.)

**LIBEL FILED:** September 9, 1947, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 11, 1947, by the Sugar Creek Creamery Co., from Indianapolis, Ind.

**PRODUCT:** 323 66-pound boxes of butter at Cleveland, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance since the article was made from decomposed cream, as evidenced by the high mold mycelia count.

**DISPOSITION:** October 2, 1947. The Sugar Creek Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, to be converted into butter oil for use other than for human consumption, under the supervision of the Federal Security Agency.

**14557. Adulteration of butter. U. S. v. 282 Cartons (17,766 pounds) \* \* \*.**  
(F. D. C. No. 26052. Sample Nos. 15078-K, 15179-K.)

**LIBEL FILED:** September 29, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 19, 1948, by Harp Foods Manufacturing, Inc., from Shawnee, Okla.

**PRODUCT:** 282 63-pound cartons of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance since it had been made from decomposed cream, as evidenced by the high mold mycelia count.

**DISPOSITION:** November 4, 1948. The Peter Fox Sons Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, for the separation of that portion having a high mold mycelia count from the remainder and the conversion of the former into butter oil, under the supervision of the Food and Drug Administration. The salvaging operations resulted in the release of 158 cubes of butter as passable, and the conversion of 142 cubes into butter oil.

**14558. Adulteration of butter. U. S. v. 43 Cartons (2,795 pounds) \* \* \*.**  
(F. D. C. No. 23925. Sample No. 89536-H.)

**LIBEL FILED:** September 19, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 8, 1947, by the Bridgewater Creamery Co., from Bridgewater, S. Dak.

**PRODUCT:** 43 65-pound cartons of butter at Chicago, Ill.

**LABEL, IN PART:** (Cartons) "Butter L. D. Schreiber & Co. Inc. Sales Agent for The Marketing Association of America."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of whole insects,



a maggot, insect fragments, mites, rodent hairs, and manure fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 10, 1947. The Marketing Association of America, Green Bay, Wis., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into a product not used for human food.

**14559. Adulteration of butter. U. S. v. 11 Cartons (693 pounds) \* \* \*. (F. D. C. No. 26172. Sample No. 8982-K.)**

**LIBEL FILED:** October 26, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 1, 1948, by Dearmin & Co., from Odon, Ind.

**PRODUCT:** 11 63-pound cartons of butter at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, and decomposed substance by reason of the presence of insect filth and rodent hairs and by reason of its having been made from filthy cream.

**DISPOSITION:** January 11, 1949. Default decree of condemnation. The product was ordered denatured for fat salvage purposes.

**14560. Adulteration of butter. U. S. v. 599 Cases \* \* \*. (F. D. C. No. 26059. Sample No. 3740-K.)**

**LIBEL FILED:** September 23, 1948, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about September 2, 1948, by Armour & Co. (Armour Creameries), from Louisville, Ky.

**PRODUCT:** 599 cases, each containing 60 1-pound prints, of butter at Norfolk, Va.

**LABEL, IN PART:** "Armour Cloverbloom Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance. (Analysis showed that the product contained mold mycelia, insects, insect fragments, and rodent hairs.)

**DISPOSITION:** December 3, 1948. Armour & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be used for purposes other than for human consumption, under the supervision of the Food and Drug Administration.

**14561. Adulteration of butter. U. S. v. 40 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24150, 24204. Sample Nos. 18828-K, 19036-K.)**

**LIBELS FILED:** October 3 and 23, 1947, Southern District of West Virginia and Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 18, 1947, by Pickerington Creamery, Inc., from Pickerington, Ohio, to Charleston, W. Va., and from Ashland, Ky., to Pickerington and Columbus, Ohio.

**PRODUCT:** Butter. 40 cases, each containing 32 1-pound cartons, at Charleston, W. Va., and 287 pounds, packed in 32-pound cases, at Pickerington and Columbus, Ohio.

**LABEL, IN PART:** "Mayflower Brand Creamery Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (It had been manufactured from decomposed cream, as evidenced by the high mold mycelia count.)

**DISPOSITION:** On November 10, 1947, Pickerington Creamery, Inc., claimant for the Charleston lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was converted into soap stock.

On November 20, 1947, a default decree of condemnation and destruction was entered with respect to the Pickerington and Columbus lots.

**14562. Adulteration of butter. U. S. v. 7½ Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 23828, 23829. Sample Nos. 83155-H, 83160-H.)**

**LIBELS FILED:** August 19 and 26, 1947, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about August 12, 1947, by the Merchants Creamery Co., from Cincinnati, Ohio.

**PRODUCT:** 26½ 32-pound cases and 1 10-pound case of butter at Covington, Ky.

**LABEL, IN PART:** (Retail carton) "One Pound Net Butter distributed by The Hanneken Dairy Co., Covington, Kentucky," or "1 Lb. Net Latonia Springs Dairy Butter Distributed by Summe & Ratermann Co., Inc., Covington, Kentucky"; (wrappers) "Dairy Brand Creamery Butter 4 Oz. Net Manufactured by Merchants Creamery Co., Cincinnati, Ohio."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance since it had been made from decomposed cream, as evidenced by the high mold mycelia count.

**DISPOSITION:** September 15 and 24, 1947. Default decrees of condemnation. The product was ordered sold for fat salvage purposes and for use other than for human consumption.

**14563. Adulteration of butter. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 26057. Sample No. 23821-K.)**

**LIBEL FILED:** September 2, 1948, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about August 14, 1948, by the Fairmont Creamery Co., from Lawton, Okla.

**PRODUCT:** 18 cases, each containing 32 1-pound cartons, of butter in quarter-pound prints at New Orleans, La.

**LABEL, IN PART:** "American Beauty Brand Butter Packed for L. Frank & Co. New Orleans, La."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance and was made from filthy cream.

**DISPOSITION:** October 7, 1948. Default decree of condemnation and destruction.

**14564. Adulteration of butter. U. S. v. 7 Cases, etc. (F. D. C. No. 26058. Sample Nos. 385-K to 388-K, incl.)**

**LIBEL FILED:** On or about October 9, 1948, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about September 1 and 8, 1948, by Armour Creameries, from Louisville, Ky.

**PRODUCT:** 7 cases, each containing 64 8-ounce patties, and 2½ cases, each containing 32 1-pound cartons, of butter at Columbia, S. C.



LABEL, IN PART: "Armour Cloverbloom Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

DISPOSITION: January 4, 1949. Default decree of condemnation. The product was ordered sold, conditioned that it be denatured and disposed of as salvage fat.

**14565. Adulteration of butter. U. S. v. 4 Cases \* \* \*. (F. D. C. No. 25527. Sample No. 44083-K.)**

**LIBEL FILED:** July 21, 1948, Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about July 8 and 13, 1948, by Kyle Creamery, from Aurora, Ind.

**PRODUCT:** 4 cases, each containing 30 1-pound cartons, of butter at Newport, Ky.

**LABEL, IN PART:** (Carton) "Louis Trauth Dairy Butter Distributor Newport, Ky."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance, as evidenced by the presence of colonies of mold.

**DISPOSITION:** August 12, 1948. Default decree of condemnation. The product was ordered sold for purposes other than for human consumption or destroyed. It was sold for technical use.

**14566. Adulteration of butter. U. S. v. 14 Cubes, etc. (and 3 other seizure actions; 5,059 pounds, total). (F. D. C. Nos. 25837, 26054, 26056, 26446. Sample Nos. 181-K, 20739-K, 41539-K, 44430-K, 44431-K.)**

**LIBELS FILED:** On or about September 2, 24, and 28, and November 16, 1948, Northern District of Illinois, Northern District of Georgia, District of Nebraska, and Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about August 5, 24, and 25, September 1, and October 25, 1948, by the Beatrice Foods Co., from Fort Madison, Iowa, Louisville, Ky., St. Joseph, Mo., and Cincinnati, Ohio.

**PRODUCT:** Butter, 29 63-pound cubes and 101 cases, each case containing 32 pounds, at Chicago, Ill., Atlanta, Ga., Omaha, Nebr., and Maysville, Ky.

**LABEL, IN PART:** (Portions) "Meadow Gold Butter Distributed by Beatrice Creamery Co. \* \* \* Chicago, Ill." or "Meadow Gold Butter \* \* \* Distributed by Beatrice Foods Co. Chicago, Illinois."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and manure fragments, and of a decomposed substance since it was made from decomposed cream, as evidenced by mold; and, Section 402 (a) (4), the Georgia lot of the article had been made under insanitary conditions and from filthy cream.

**DISPOSITION:** September 28 and December 1, 1948, and January 14 and April 12, 1949. The Beatrice Foods Co., claimant for the Illinois and Georgia lots, having admitted the facts set forth in the libels, the claimant for the Nebraska lot having consented to the entry of a decree, and no claimant having appeared for the Kentucky lot, judgments of condemnation were entered. The Illinois and Georgia lots were ordered released under bond to be disposed of for

purposes other than for human food; the Kentucky lot was ordered sold for fat salvage; and the Nebraska lot was ordered destroyed.

**14567. Adulteration of butter. U. S. v. 157 Cartons (10,048 pounds) \* \* \*.**  
(F. D. C. No. 23924. Sample No. 69976-H.)

**LIBEL FILED:** September 19, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 12, 1947, by the Randolph Creamery Co., from Randolph, Nebr.

**PRODUCT:** 157 64-pound cartons of butter at Chicago, Ill.

**LABEL, IN PART:** (Cartons) "Randolph Creamery Randolph, Nebraska"; (stencil) "Butter L. D. Schreiber & Co. Inc. Sales agent for the Marketing Association of America."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), (92 cartons) the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rat or mouse hairs, and plant fibers resembling manure; and, Section 402 (b) (2), (65 cartons) a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** October 10, 1947. The Marketing Association of America, Green Bay, Wis., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the 65 cartons of the product that was low in fat be reworked so as to comply with the law, and that the remaining 92 cartons of the product be converted into a product not used for human food.

**14568. Adulteration of butter. U. S. v. El Reno Poultry & Egg Co. Plea of guilty. Fine, \$50. (F. D. C. No. 25595. Sample No. 23121-K.)**

**INFORMATION FILED:** December 13, 1948, Western District of Oklahoma, against the El Reno Poultry & Egg Co., a partnership, El Reno, Okla.

**ALLEGED VIOLATION:** The defendant was charged with giving a false guaranty to the Forth Worth Poultry & Egg Co., Inc., of Fort Worth, Tex., on or about March 10, 1942. It provided that any article shipped or delivered by the defendant to the latter firm would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about July 14, 1948, the defendant sold and delivered to the Fort Worth Poultry & Egg Co., Inc., a quantity of butter that was adulterated. The Forth Worth Poultry & Egg Co., Inc., was engaged in the business of introducing and delivering for introduction into interstate commerce, quantities of butter which had been supplied by the defendant.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** January 10, 1949. A plea of guilty having been entered, the partnership was fined \$50.

**14569. Adulteration of butter. U. S. v. 15 Cartons (960 pounds) \* \* \*.**  
(F. D. C. No. 25830. Sample No. 25825-K.)

**LIBEL FILED:** August 31, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about August 20, 1948, by the Enoch Schultz Creamery from Bismarck, N. Dak.



**PRODUCT:** 15 64-pound cartons of butter at St. Paul, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** February 15, 1949. The Enoch Schultz Creamery, Bismarck, N. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.

**14570. Adulteration of butter. U. S. v. 13 Cartons (832 pounds) \* \* \*.**  
(F. D. C. No. 24334. Sample No. 24814-K.)

**LIBEL FILED:** December 11, 1947, District of Minnesota.

**ALLEGED SHIPMENT:** On or about December 4, 1947, by the Enoch Schultz Creamery, from Bismarck, N. Dak.

**PRODUCT:** 13 64-pound cartons of butter at St. Paul, Minn.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** March 4, 1948. Enoch Schultz, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.

**14571. Adulteration of butter. U. S. v. 16 Cartons, etc. (2,048 pounds, total).**  
(F. D. C. No. 26067. Sample No. 25538-K.)

**LIBEL FILED:** October 6, 1948, District of South Dakota.

**ALLEGED SHIPMENT:** On or about September 29, 1948, by the Atkinson Coop. Creamery, Atkinson, Nebr.

**PRODUCT:** 32 64-pound cartons of butter at Mitchell, S. Dak.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** November 9, 1948, The Atkinson Coop. Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered ordering the product released under bond to be reworked, under the supervision of the Food and Drug Administration.

**14572. Adulteration of butter. U. S. v. 596 Cases \* \* \*. (F. D. C. No. 26060.**  
Sample No. 30335-K.)

**LIBEL FILED:** June 18, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about June 8, 1948, by the Blackfoot Creamery, from Blackfoot, Idaho.

**PRODUCT:** 596 cases, containing approximately 15,859 pounds, of butter at Los Angeles, Calif.

**LABEL, IN PART:** Fresh Jerseymaid Butter \* \* \* Distributed by Jerseymaid Milk Products Co., Los Angeles, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** June 29, 1948. The Blackfoot Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked, under the supervision of the Food and Drug Administration.

**14573. Adulteration and misbranding of butter. U. S. v. 12 Boxes (768 pounds)**

\* \* \*. (F. D. C. No. 25841. Sample No. 25830-K.)

**LIBEL FILED:** September 8, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 23, 1948, by the Finley Creamery Co., from Finley, N. Dak.

**PRODUCT:** 12 64-pound boxes of butter at New York, N. Y.

**LABEL, IN PART:** "Butter Distributed by J. B. Kramer, Inc. New York, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the label statement "Butter" was false and misleading.

**DISPOSITION:** October 7, 1948. The Finley Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.

**14574. Adulteration and misbranding of butter. U. S. v. 11 Boxes (704 pounds)**

\* \* \*. (F. D. C. No. 25836. Sample Nos. 8942-K, 8947-K.)

**LIBEL FILED:** August 12, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 29, 1948, by the Berger Creamery Co., from South Sioux City, Nebr.

**PRODUCT:** 11 64-pound boxes of butter at New York, N. Y.

**LABEL, IN PART:** "Butter Breakstone Bros., Inc. Distributors New York New York."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the label statement "Butter" was false and misleading.

**DISPOSITION:** August 27, 1948. Breakstone Bros., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.

**14575. Adulteration and misbranding of butter. U. S. v. 9 Cartons (576 pounds) \* \* \*. (F. D. C. No. 25832. Sample No. 25240-K.)**

**LIBEL FILED:** August 10, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 2, 1948, by the Hartley Creamery, from Hartley, Iowa.

**PRODUCT:** 9 64-pound cartons of butter at New York, N. Y.

**LABEL, IN PART:** "Butter Distributed By Hunter, Walton & Co. New York, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the label statement "Butter" was false and misleading.

**DISPOSITION:** August 25, 1948. The Hartley Creamery, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.



**14576. Misbranding of butter. U. S. v. 96 Cases \* \* \*. (F. D. C. No. 25658. Sample No. 30362-K.)**

**LIBEL FILED:** September 22, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about September 3, 1948, by the Blackfoot Creamery, from Blackfoot, Idaho.

**PRODUCT:** 96 cases, each containing 30 1-pound packages, of butter at Los Angeles, Calif. 7 cases and 14 pounds were seized.

**LABEL, IN PART:** "Jerseymaid Fresh Butter Grade AA First Quality."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements "First Quality" and "Grade AA" were false and misleading as applied to the article, which was of lower quality.

**DISPOSITION:** November 2, 1948. Default decree of condemnation. The product was ordered delivered to the Salvation Army.

**14577. Misbranding of butter. U. S. v. 700 Cartons \* \* \* (and 1 other seizure action; 108,000 pounds, total). (F. D. C. Nos. 26171, 26178. Sample Nos. 3736-K, 10659-K.)**

**LIBELS FILED:** October 21 and November 10, 1948, District of New Jersey and Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about September 29 and October 6, 8, 11, and 13, 1948, by Gildener & Schimmel, Inc., from New York, N. Y.

**PRODUCT:** Butter. 700 cartons at Bayonne, N. J., and 1,100 cases at Williamsburg, Va. Each carton and case contained 60 prints of butter labeled, in part, "1 Lb. Net Wt."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The prints contained less than the declared weight of 1 pound.)

**DISPOSITION:** On December 3, 1948, on application of Gildener & Schimmel, Inc., the seizure action instituted in the Eastern District of Virginia was ordered consolidated for trial with the New Jersey case. On January 24, 1949, the claim, answer, and appearance of Gildener & Schimmel, Inc., having been withdrawn with leave of court, judgment of condemnation was entered. On January 25, 1949, Gildener & Schimmel, Inc., having petitioned that the product be delivered to it as the holder of an unpaid seller's lien, the court ordered the product delivered to the petitioner upon the execution of a bond, conditioned that the butter be repacked or relabeled.

**14578. Misbranding of butter. U. S. v. 8¾ Cartons (280 pounds) \* \* \*. (F. D. C. No. 26168. Sample No. 10955-K.)**

**LIBEL FILED:** On or about November 2, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about October 25, 1948, by Gildener & Schimmel, Inc., from New York, N. Y.

**PRODUCT:** 8¾ cartons, each full carton containing 32 prints, of butter at New Haven, Conn.

**LABEL, IN PART:** (Prints) "Creamery Butter \* \* \* 1 Lb. Net Wt."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The prints were short-weight.)

DISPOSITION: February 21, 1949. Default decree of condemnation. The product was ordered delivered to charitable institutions.

**14579. Misbranding of butter. U. S. v. 21 Cases \* \* \*. (F. D. C. No. 23824. Sample No. 93946-H.)**

**LIBEL FILED:** August 27, 1947, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about August 8, 1947, by Frank Pilley & Sons, Inc., from Springfield, Mo.

**PRODUCT:** 21 32-pound cases of butter at Memphis, Tenn.

**LABEL, IN PART:** (Carton) "One Pound Pilley's \* \* \* Butter Lightly Salted."

**NATURE OF CHARGE:** Misbranding, Sections 403 (a) and 403 (e), the label statement "One Pound" was false and misleading since the cartons did not contain one pound of butter.

**DISPOSITION:** September 26, 1947. Frank E. Kester, Memphis, Tenn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked, so that it would be brought up to the stated net weight, under the supervision of the Federal Security Agency.

**14580. Misbranding of butter. U. S. v. 14 Cases \* \* \*. (F. D. C. No. 24144. Sample No. 6024-K.)**

**LIBEL FILED:** November 14, 1947, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 21, 1947, by the Coburn Farm Products Corp., New York, N. Y.

**PRODUCT:** 14 cases, each containing 2 dozen 1-pound cans, of butter at Pittsburgh, Pa.

**LABEL, IN PART:** (Can) "1 Pound Net Wt. Sondra Creamery Butter."

**NATURE OF CHARGE:** Misbranding, Sections 403 (a) and 403 (e), the packages did not contain 1 pound net weight as labeled. (The product was short-weight.)

**DISPOSITION:** March 12, 1948. Coburn Farm Products Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be removed from the cans and repacked as tub or cooking butter, under the supervision of the Federal Security Agency.

**CHEESE\***

**14581. Adulteration of cheese. U. S. v. Minnesota Cheese Producers Association of Pine Island, Minn., and Land O'Lakes Creameries, Inc. Plea of guilty by Minnesota Cheese Producers Association of Pine Island, Minn.; fine, \$500. Case dismissed against Land O'Lakes Creameries, Inc. (F. D. C. No. 19548. Sample No. 14793-H.)**

**INFORMATION FILED:** On or about February 12, 1947, District of Minnesota, against Minnesota Cheese Producers Association of Pine Island, Minn., and Land O'Lakes Creameries, Inc., trading at Pine Island, Minn.

**ALLEGED SHIPMENT:** On or about July 25, 1945, from the State of Minnesota into the State of Wisconsin.

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\*See also No. 14555.



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and manure fragments; and, Section 402 (a) (4), it had been prepared and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** On November 14, 1947, Land O'Lakes Creameries, Inc., having filed a motion to dismiss the action on the ground that it had received the goods in good faith from the Minnesota Cheese Producers Association of Pine Island, Minn., and held a guaranty from that association, the court handed down the following memorandum opinion, ordering the action dismissed against the Land O'Lakes Creameries, Inc.:

DONOVAN, *District Judge*: "It appears that the defendant Land O'Lakes Creameries, Incorporated, acted in good faith in receiving the food described. There is nothing to indicate intent to violate 21 U. S. C. A. 342 (a) (3) (4). A dealer is in a somewhat better position than the manufacturer in a case such as this is. *Gleaser, Kohn & Co. v. United States*, 224 U. S. 84.

"The case is close enough, however, to serve as a warning to defendant Land O'Lakes Creameries, Incorporated, to exercise caution in marketing such goods. The Public must be protected against the sort of situation that here exists. The guaranty does not appear to bring the Land O'Lakes Creameries, Incorporated, within the purview of the Act. Under the conditions here existing, the burden of the accusation seems to rest directly on the manufacturer."

On July 26, 1948, a plea of guilty having been entered on behalf of the Minnesota Cheese Producers Association of Pine Island, Minn., a fine of \$500 was imposed.

**14582. Adulteration of Swiss cheese. U. S. v. Herman F. Winkleman (Champion Cheese Co.). Plea of guilty; fine of \$150 and costs. (F. D. C. No. 25597. Sample No. 7989-K.)**

**INFORMATION FILED:** December 10, 1948, Northern District of Ohio, against Herman F. Winkleman, trading as the Champion Cheese Co., Sugar Creek, Ohio.

**ALLEGED VIOLATION:** The defendant was charged with giving a false guaranty to Carl Jusi of Canton, Ohio, on or about May 4, 1948. It provided that all cheese delivered to Carl Jusi by the defendant would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about June 14, 1948, the defendant sold and delivered to Carl Jusi at Canton, Ohio, a quantity of adulterated Swiss cheese. On or about June 15, 1948, Carl Jusi shipped the cheese from the State of Ohio into the State of Pennsylvania.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and rodent excreta; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 21, 1949. A plea of guilty having been entered, the defendant was fined \$150, together with costs.

**14583. Adulteration of Cheddar cheese. U. S. v. 71 Boxes \* \* \*. (F. D. C. No. 25650. Sample Nos. 24981-K to 24987-K, incl.)**

**LIBEL FILED:** September 22, 1948, Western District of Wisconsin,

ALLEGED SHIPMENT: On or about August 26, 1948, by the Lake Como Coop. Cheese Factory, from Hokah, Minn.

PRODUCT: 71 boxes each containing 1 75-pound Cheddar cheese at Viroqua, Wis.

LABEL, IN PART: "Minnesota Colored Cheddar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, manure, and dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 16, 1948. The Lake Como Cooperative Cheese Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of for some purpose not contrary to the law, under the supervision of the Federal Security Agency. The product was subsequently denatured with fish oil.

**14584. Adulteration of Cheddar cheese. U. S. v. 40 Cheeses. (F. D. C. No. 25024. Sample No. 6705-K.)**

LIBEL FILED: July 8, 1948, Western District of New York.

ALLEGED SHIPMENT: On or about January 28, 1948, from Plymouth, Wis.

PRODUCT: 150 pounds of Cheddar cheese at Rochester, N. Y., in possession of Wegman's Food Markets, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 19, 1949. Wegman's Food Markets, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

On April 22, 1949, the decree was amended to provide for destruction of the cheeses and the trimming off of all unfit portions of the others. The salvaging operations resulted in the destruction of 125 pounds of trimmings and 1 150-pound cheese.

**14585. Adulteration of Balconico cheese. U. S. v. 26 Barrels \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26430, 26621. Sample Nos. 11502-K, 11513-K.)**

LIBELS FILED: January 26 and March 11, 1949, Eastern and Southern Districts of New York.

ALLEGED SHIPMENT: On or about March 16, 1948, by Jose A. Montemayor E. Hijos, from Laredo, Tex.

PRODUCT: Balconico cheese. 26 barrels at Brooklyn, N. Y., and 44 barrels at New York, N. Y. Each barrel contained approximately 172 pounds.

LABEL, IN PART: "Product of Mexico A.G.S. T.P. Co. New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments,



**DISPOSITION:** April 8 and 22, 1949. Default decrees of condemnation. The product was ordered destroyed after withdrawal of samples by the Food and Drug Administration.

### OLEOMARGARINE

**14586. Adulteration and misbranding of oleomargarine. U. S. v. 72 Cartons, etc. (and 2 other seizure actions). (F. D. C. Nos. 24356, 24363, 24394. Sample Nos. 435-K, 448-K, 450-K, 834-K.)**

**LIBELS FILED:** February 25 and March 19 and 30, 1948, Middle District of North Carolina and Southern District of Florida.

**ALLEGED SHIPMENT:** On or about January 22 and February 4, 8, 19, and 23, 1948, by Gold Leaf Margarine Co., Inc., from Cedartown, Ga.

**PRODUCT:** Oleomargarine. 706 cartons at Hillsboro, N. C., and 302 cases, each containing 30 cartons, at Tampa, Fla.

**LABEL, IN PART:** (Carton) "Gold Leaf Vegetable Oleomargarine One Pound Net Weight."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent of fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oleomargarine since it contained less than 80 percent of fat. Further misbranding, Section 403 (e) (2), (portion) the product failed to bear a label containing an accurate statement of the quantity of the contents. (Samples taken from two lots consisting of 508 cartons at Hillsboro were found to contain less than 1 pound, the labeled weight.)

**DISPOSITION:** On March 20, 1948, the Gold Leaf Margarine Co., Inc., claimant for the Tampa lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed and brought into compliance with the law, under the supervision of the Federal Security Agency. On March 29 and May 6, default decrees of condemnation were entered with respect to the Hillsboro lots, and the product was ordered delivered to charitable institutions.

**14587. Adulteration and misbranding of oleomargarine. U. S. v. 78 Cartons, etc. (F. D. C. No. 24699. Sample Nos. 453-K, 454-K.)**

**LIBEL FILED:** March 31, 1948, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about March 8, 1948, by the Gold Leaf Margarine Co., Inc., from Cedartown, Ga.

**PRODUCT:** 156 1-pound cartons of oleomargarine at Hillsboro, N. C.

**LABEL, IN PART:** "Gold Leaf Vegetable Oleomargarine."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for oleomargarine since it contained less than 80 percent of fat.

**DISPOSITION:** May 5, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

### EGGS

**14588. Adulteration of frozen whole eggs. U. S. v. 380 Cans \* \* \*. (F. D. C. No. 26481. Sample No. 37773-K.)**

**LIBEL FILED:** January 26, 1949, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about December 21, 1948, by the Portland Ice & Cold Storage Co., from Portland, Oreg.

**PRODUCT:** 380 30-pound cans of frozen whole eggs at Spokane, Wash.

**LABEL, IN PART:** "Packed By Brentwood Egg Company, Portland, Oregon."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** On March 2, 1949, the Brentwood Egg Co., Division of Salem Commodities, Inc., claimant, having moved for the entry of an order permitting discovery, the matter was heard before the court and an order was entered permitting inspection, copying, or photographing by the owner of the results of the inspection and analysis of the eggs, and ordering the Government to disclose the number of cans of eggs which were analyzed by it with their identifying marks or numbers, or copies of the Government's report.

On March 21, 1949, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured under the supervision of the Food and Drug Administration.

The segregation operations resulted in the denaturing of 154 cans of eggs and their disposal as animal feed.

**14589. Adulteration of frozen whole eggs. U. S. v. 217 Cans \* \* \*. (F. D. C. No. 25154. Sample No. 5146-K.)**

**LIBEL FILED:** August 2, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about July 16, 1948, by the Farmers Produce Co., from Worthington, Minn.

**PRODUCT:** 217 30-pound cans of frozen whole eggs at Boston, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** September 27, 1948. The Farmers Produce Co., Sioux City, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 182 cans of the product were found unfit and were sold for tanning purposes.

**14590. Adulteration of frozen egg whites. U. S. v. 150 Cans \* \* \*. (F. D. C. No. 25912. Sample No. 37737-K.)**

**LIBEL FILED:** November 5, 1948, District of Idaho.

**ALLEGED SHIPMENT:** On or about December 25, 1947, from St. Louis, Mo.

**PRODUCT:** 150 30-pound cans of frozen egg whites at Boise, Idaho.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed egg whites. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 3, 1949. E. L. Kinney, trading as American Bakery, Nampa, Idaho, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be used for purposes other than for human consumption, under the supervision of the Food and Drug Administration.



**FISH AND SHELLFISH**

**14591. Adulteration of frozen fish. U. S. v. 97 Cartons \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 25893, 26876. Sample Nos. 2531-K, 46248-K.)

**LIBELS FILED:** November 3, 1948, and March 18, 1949, Southern District of West Virginia and Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 9 and 18, 1948. A portion was shipped by the Harbor Cove Fisheries, Inc., from Gloucester, Mass., and the remainder was shipped by the Crystal Ice & Cold Storage Co., from Tiverton, R. I., on instructions of Harbor Cove Fisheries, Inc., of Gloucester, Mass.

**PRODUCT:** 97 10-pound cartons of frozen perch fillets at Huntington, W. Va., and 20,000 pounds of frozen H & G whiting at St. Louis, Mo.

**LABEL, IN PART:** (Huntington lot) "Eastern Point Brand Quick Frozen Ocean Perch Fillets Layer Packed."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), a portion of the product consisted in whole or in part of a filthy substance by reason of the presence of parasites, and the remainder consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** November 19, 1948, and April 11, 1949. Default decrees of condemnation. The Huntington lot was delivered to a public institution, for use as hog feed, and the St. Louis lot was ordered sold for use other than for human consumption.

**14592. Adulteration of frozen ciscoes. U. S. v. 14 Boxes, etc. (F. D. C. No. 26657. Sample Nos. 11211-K, 11212-K.)**

**LIBEL FILED:** March 23, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 9 and 11, 1949, by Lester Fisher, Marinette, Wis.

**PRODUCT:** 34 50-pound boxes of frozen ciscoes at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** April 11, 1949. Default decree of condemnation and destruction.

**14593. Adulteration of frozen herring. U. S. v. 1,496 Pounds \* \* \*. (F. D. C. No. 26097. Sample Nos. 10329-K, 10332-K.)**

**LIBEL FILED:** November 30, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 10, 1948, from Plymouth, Mass.

**PRODUCT:** 1,496 pounds of frozen herring at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 31, 1949. Default decree of condemnation and destruction.

**14594. Adulteration of frozen ocean perch fillets. U. S. v. 5 Cartons \* \* \*. (F. D. C. No. 26552. Sample No. 19817-K.)**

**LIBEL FILED:** February 21, 1949, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about January 11, 1949, by the Booth Fisheries Corp., Boston, Mass.

PRODUCT: 5 cartons, each containing 36 1-pound packages, of frozen ocean perch fillets at Chattanooga, Tenn.

LABEL, IN PART: "Booth Tastyloins Ocean Perch."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (The product was infested with parasites.)

DISPOSITION: April 14, 1949. Default decree of condemnation and destruction.

14595. Adulteration of canned sardines. U. S. v. 24 Cases \* \* \* (and 2 other seizure actions). Consent decrees of condemnation. Product ordered released under bond. Suits for forfeiture of bonds; bonds ordered forfeited. Forfeiture sustained by court of appeals. (F. D. C. Nos. 22852, 22947, 22994. Sample Nos. 1996-H, 50565-H, 50568-H.)

LIBELS FILED: April 16, 21, and 30, 1947, Eastern District of Louisiana, Southern District of Mississippi, and Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about March 5 and 6, 1947, in part by the Stinson Canning Co., from Waukeag, Maine, and by the Addison Packing Co., from Ellsworth, Maine.

PRODUCT: Sardines. 49 cases at Charleston, S. C., 24 cases at New Orleans, La., and 24 cases at Woodville, Miss. Each case contained 100 3¼-ounce cans.

LABEL, IN PART: "Beach Cliff Brand Maine Sardines \* \* \* Packed By Stinson Canning Company Prospect Harbor, Maine" or "Billow Brand American Sardines \* \* \* Packed By Addison Packing Co. South West Harbor, Maine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal. (Examination of the product showed the presence of diseased fish.)

DISPOSITION: October 10 and 30 and November 4, 1947. The Stinson Canning Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. Subsequent to the entry of the decrees of condemnation, the Government moved for forfeiture of the bonds, for failure to comply with the terms of the decrees. Similar motions were filed by the Government with respect to bonds which had been executed to insure compliance with the terms of the decrees entered in certain seizure actions instituted in the Eastern District of South Carolina and the Eastern District of Louisiana, as reported in notices of judgment on foods, Nos. 12316 and 12318, in which actions the Stinson Canning Co. appeared as claimant for various lots of sardines which had been seized on charges of adulteration and which had been released under bond. The court having ordered the bonds forfeited, and the claimant having appealed such orders, the Circuit Court of Appeals for the Fourth Circuit, on November 10, 1948, handed down the following opinion, affirming the action of the district court in forfeiting the bonds:

DOBIE, *Circuit Judge*: "These are eight appeals from eight identical orders of the District Judge granting judgments against the appellants, Stinson Canning Company and American Surety Company, on performance bonds filed by appel-



lants pursuant to 21 U. S. C. A. § 334 (d). The aggregate amount of the judgments is \$20,020. The reasons for granting judgments on the several bonds were identical so the appeals were consolidated.

"During April of 1947, the United States, acting through the Pure Food and Drug Administration, instituted in the District Court libel proceedings under the Federal Food, Drug and Cosmetic Act, 21 U. S. C. A. §§ 301 et seq., against eight lots of canned sardines. The libels, identical in each instance, alleged that the sardines were diseased and sought their condemnation and forfeiture. The appellant, Stinson Canning Company, intervened and claimed ownership of the sardines. Thereafter, on October 11, 1947, identical consent decrees were entered reciting the claimant's admission of the allegations of the libels and its consent to judgments that the sardines be condemned.

"As is not infrequent in cases of this sort, the decrees provided that the claimant might retake possession of the condemned foodstuff upon posting a bond in an amount roughly equal to the value of the sardines. This was done to give the claimant an opportunity to segregate cans or cases containing diseased fish from those containing fish not diseased. If this segregation proved practicable, only those cans or cases containing diseased fish were to be destroyed; otherwise the entire lot was required to be destroyed. The segregation and destruction were to be done under the supervision of the Pure Food and Drug Administration and were to be accomplished within three months following the entry of the decrees. Suitable bonds conditioned upon compliance with the terms of the decrees were given by the appellant, Stinson Canning Company, as principal, and the appellant, American Surety Company, as surety. The appellant, Stinson, then caused the sardines to be shipped to its plant in Maine, where it was intended that they be segregated under the supervision of the Boston Station of the Pure Food and Drug Administration.

"On January 19, 1948, after application had been made by appellants for a sixty-day extension of time, the District Judge entered an order extending for a period of ninety days from that date the time for the performance required by the original decrees. The order expressly provided: 'that the Claimant shall fully comply with the provisions of the said Decrees not later than ninety (90) days from the date hereof and that no further extension shall be applied for by the said Claimant.' This ninety-day period expired on April 18, 1948.

"On May 25, 1948, the United States Attorney served notice that on June 7, 1948, he would move for an order for judgment on the bonds since, it was alleged, the appellants had not complied with the decrees. No written return was ever served or filed in opposition to the motion and the allegations of non-compliance were never in any way controverted. At the hearing on the motion on June 7, attorneys for the appellant, Stinson Canning Company, appeared and made an oral statement to the Court in which they admitted non-compliance with the decrees but tendered an explanation, or excuse, for their failure in this respect. During the course of this statement, counsel several times offered to repeat statements and opinions expressed by various parties, none of whom was present in court or called as a witness. The Trial Judge properly excluded these statements as hearsay and as having no place in a return. Counsel then asked for an opportunity to present the testimony of a member of the Boston Station who presumably was at that time in Boston, where it would have been necessary to take this member's deposition. The Judge stated that counsel might produce any witnesses then in court but refused to stay the proceedings to afford counsel the opportunity of procuring additional evidence.

"After hearing counsel's statement, the District Judge found that appellants had not complied with the decrees, that the conditions of the bonds had therefore been breached and ordered judgment against appellants on each of the bonds in its full amount.

"The substantial questions presented by the appeals are: (1) Did the District Judge have the power, in his discretion, to remit all or a part of the bonds if the breach of their conditions was not wilful or grossly neglectful; (2) If he had that power, was there an abuse of discretion on the facts of this case; and (3) Did the District Judge err in refusing a continuance to give appellants an opportunity to procure the testimony of the desired witnesses?

"We refrain from deciding the question whether the District Court had the power to remit all, or a portion, of the bonds in question, upon a finding that the breach of the conditions of the bonds was not wilful but was the result of inadvertence and was no more than a technical failure to comply with these



conditions. The decision of this question is not necessary to the disposition of the instant case.

"If we assume, without deciding, that the District Judge had the discretionary power to remit, we think upon the facts in this case that there was no abuse of this discretion in his decreeing a forfeiture of the bonds.

"The original decrees were entered on October 11, 1947, and the period for their performance, as extended, did not expire until April 18, 1948. Appellants thus had more than six months in which to comply. Further, the Government did not move for forfeiture of the bonds for an additional month (May 25, 1948), and the hearing on that motion was not held until June 7, 1948. It is quite possible that the District Judge would have been more receptive to appellants' explanation had they come into court on June 7 and stated, even at that late date, that they had complied. But appellants admit that they failed to carry out the decrees for the entire period from October 11, 1947, to June 7, 1948—a period of almost eight months.

"The record shows that the Boston Station of the Pure Food and Drug Administration cooperated in every way with appellants, that it was ready at all times to supervise the segregation or destruction of the sardines and that it so notified appellants. The appellants, however, failed to notify the Boston Station of the arrival of the sardines and even failed to maintain the identity of the separate lots in the eight seizure actions. A letter from the Chief of the Atlanta Station to the United States Attorney in charge of the cases states: '\* \* \* despite our efforts to cooperate with the claimant we have found that there has not been a bona fide attempt to comply with the provisions of these several decrees.' And as late as May 21, 1948, the Boston Station reported that the claimant had not destroyed the sardines or even indicated that it intended to do so, and had not paid the claim for costs of supervision.

"In the face of this, at best, extremely dilatory conduct, we need examine only briefly appellants' explanation of their failure to comply with the decrees. The proceeding in the court below was one of a dozen or more identical actions instituted in federal district courts throughout the country against other lots of canned sardines in which the appellant, Stinson Canning Company, was interested. The sardines were all subject to the same fungus disease, a disease on which the Pure Food and Drug Administration allows a tolerance of only five per cent. It appears, however, that other countries permit a higher tolerance. Believing that the sardines would all come within the tolerance permitted abroad, Stinson, in a proceeding in the Western District of New York, at Buffalo, moved that the decree be amended to permit exportation, the ruling on which motion was still pending. Counsel for Stinson then informed a member of Boston Station that it was his intention to use the Buffalo case as a test case and to abide by its disposition with respect to the other cases throughout the country, and 'gained the impression that his suggestion met with approval.' Appellants depend upon their reliance on this agreement to excuse their non-performance of the decrees below. By appellants' own admission, however, the policy of the Food and Drug Administration in Washington is to oppose permission to export goods which have been declared unfit for shipment in interstate commerce on the theory that such permission would encourage negligence on the part of packers. When, belatedly, at the hearing of June 7, 1948, appellants moved for permission to export the sardines here involved, the District Judge denied the motion. While we may state that we agree with his ruling in this respect, it is immaterial that we do or do not. The member of the Boston Station was patently without authority to bind the Government to treat the Buffalo case as a test case, certainly was without authority to amend the decrees below in any such manner, and the appellants were entirely without right to rely on his agreement in this respect.

"The appellants might readily have moved below for a further extension pending the outcome of the Buffalo case, or might have made a motion similar to that made in the Buffalo case, that the decrees be amended to permit exportation. Until the time for performance had long since expired they did neither. As we have already stated, the order of January 19, 1948, granting the ninety day extension provided 'that the Claimant shall fully comply with the provisions of said Decrees not later than ninety (90) days from the date hereof and that no further extension shall be applied for by the said Claimant.' Despite this clear and positive mandate, the appellants did nothing at all even to apprise the court of the course they were pursuing. They have offered an utterly insuffi-



cient excuse for such grossly neglectful behavior. To require the courts to permit their decrees to be amended by such out-of-court agreements with third parties as is here before us would create chaos in the enforcement of these decrees.

"Finally, there was no error in the refusal to continue the proceedings to permit appellants to procure the testimony of certain witnesses. Appellants received due notice that the hearing of the motion to forfeit was to be held on June 7, 1948. They had ample opportunity to procure any evidence they wished to present. Even if it is considered that a formal motion for continuance was made, no testimony was offered to sustain that motion. Appellants did not claim a diligent attempt by them to procure the desired testimony or offer a reasonable excuse for their inability to present this testimony on the date for which the hearing had long been set. But apart from the technical defects in appellants' position and entirely on practical considerations, the conduct of appellants as outlined above did not entitle them to any further consideration.

"The judgments of the District Court forfeiting the bonds are affirmed."

**14596. Adulteration of canned sardines. U. S. v. 71 Cases \* \* \*. (F. D. C. No. 26086. Sample No. 10110-K.)**

**LIBEL FILED:** November 24, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 8, 1948, by the Romeo Packing Co., from San Francisco, Calif.

**PRODUCT:** 71 cases, each containing 48 15-ounce cans, of sardines at New York, N. Y.

**LABEL, IN PART:** "Valco California Sardines."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its being disintegrated and by reason of its marked metallic flavor.

**DISPOSITION:** December 14, 1948. Default decree of condemnation and destruction.

**14597. Adulteration of frozen tullibees. U. S. v. 231 Boxes \* \* \*. Tried to the court. Verdict for the Government. Decree of condemnation. (F. D. C. No. 25946. Sample No. 31592-K.)**

**LIBEL FILED:** November 18, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about October 28, 1948, by Keystone Fisheries, Ltd., from Minneapolis, Minn.

**PRODUCT:** 231 125-pound boxes of frozen tullibees at Los Angeles, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** Keystone Fisheries, Ltd., claimant, filed an answer denying that it had shipped the product in interstate commerce and that the product was adulterated, and it alleged that the court did not have jurisdiction since the product was in import status. The case came on for trial before the court on March 4, 1949, and at its conclusion was taken under advisement by the court. On March 22, 1949, the court handed down the following findings of fact and conclusions of law:

"HARRISON, *District Judge*:

**FINDINGS OF FACT**

"(1) Keystone Fisheries, Ltd., is a corporation duly organized and existing under and by virtue of the laws of the Dominion of Canada, with its principal place of business in the City of Winnipeg, Canada.



"(2) On or about October 28, 1948, said Keystone Fisheries, Ltd., shipped an article of food consisting of 219 boxes, or 27,373 pounds, of frozen Tullibees from Winnipeg, Manitoba, Canada, to Los Angeles Smoking & Curing Co., at Los Angeles, California, via Minneapolis, Minnesota. Said Tullibees were delivered by truck to the Olsen Fish Company, Minneapolis, Minnesota, as the agent for Keystone Fisheries, Ltd., for the purpose of reloading said Tullibees upon arrival into a railway refrigerator car for shipment to said Los Angeles Smoking & Curing Co., at Los Angeles, California.

"(3) Said Tullibees entered the United States at Noyes, Minnesota, on October 28, 1948, at which time the Secretary of the Treasury, while the said Tullibees were being imported or offered for import into the United States, took custody of said Tullibees and delivered to the Federal Security Administrator, upon his request, a sample of said Tullibees for examination.

"(4) W. F. Mackay, Customs Broker, of Noyes, Minnesota, acting for and as the agent of Keystone Fisheries, Ltd., secured the immediate delivery of the Tullibees by posting a redelivery bond with the Collector of Customs.

"(5) After the said delivery of said Tullibees upon said redelivery bond, said Tullibees were shipped by Keystone Fisheries, Ltd., from Minneapolis, Minnesota, to Los Angeles Smoking & Curing Co., at Los Angeles, in a railway refrigerator car.

"(6) On October 29, 1948, the Secretary of the Treasury contacted the Olsen Fish Company for the purpose of securing an additional sample and was advised that all of the said Tullibees were en route to the Los Angeles Smoking & Curing Co., at Los Angeles, California.

"(7) Said Tullibees are now in storage with the National Ice and Cold Storage Company at Los Angeles, California.

"(8) Said Tullibees were seized by the United States Marshal under Libel of Information filed in this Court and, by reason thereof, are now in his technical custody.

"(9) The Secretary of the Treasury has not released said Tullibees from the obligation of said redelivery bond. The Secretary of the Treasury states that he will not demand redelivery of said Tullibees, nor will he seek forfeiture of the said redelivery bond if said Tullibees are condemned as a result of this proceeding.

"(10) Said Keystone Fisheries, Ltd., is the owner of said Tullibees, and has intervened in this proceeding as claimant. Said Keystone Fisheries, Ltd., has requested of the Secretary of the Treasury, and the Federal Security Administrator, that said Tullibees be exported to said owner in accordance with the provisions of Section 381 of Vol. 21 of the United States Code Annotated.

"(11) Said Tullibees are a food within the meaning of 21 U. S. C. 321 (f) (1).

"(12) Said Tullibees are infested with parasitic worms as evidenced by pus pockets or cysts in the flesh of the fish, and were so infested when the Tullibees were imported into this country. These cysts contain greenish-yellow pus-like matter. Of the fish examined, 22 percent contained cysts, and some of the fish contained as many as five cysts.

"(13) Parasitic worms and cysts in fish constitute 'filthy substances' within the meaning of 21 U. S. C. 342 (a) (3).

"(14) When said Tullibees were delivered to Keystone Fisheries, Ltd., upon the posting of a redelivery bond with the Collector of Customs, Keystone Fisheries acquired complete control over their movement and disposition.

#### CONCLUSIONS OF LAW

"(1) The import provisions of the Federal Food, Drug, and Cosmetic Act [21 U. S. C. 381] are designed to test the right to admission before an article subject to the Act may be brought into the United States; the seizure provisions of the Act [21 U. S. C. 334] become operative after the article is released from the physical custody of the Collector of Customs and is admitted into the country.

"(2) Where immediate delivery of an imported food is obtained by the importer by the filing of a bond pursuant to 21 U. S. C. 381 (b), while an examination of a sample of such food is pending, the importer takes the risk that the result of the examination will be what he desires. Such food, if adulterated or misbranded, then becomes subject to seizure and condemnation, having passed the threshold of entrance into the United States.



"(3) With respect to imported, adulterated food released from the physical custody to the Collector of Customs under a redelivery bond pending examination of a sample, the Government has an election of remedies: (a) it may proceed by way of seizure and condemnation as it did here, or (b) it may request redelivery of the food to the Collector of Customs for export, though the importer is not required to redeliver the food but may elect to forfeit the bond.

"(4) The Government may properly elect that remedy which is best designed to protect the consuming public, rather than permit export of an adulterated food which might subsequently be commingled with good lots of the same food and again be offered for import in such a manner that the adulteration would be more difficult to detect.

"(5) Said imported Tullibees were 'introduced into interstate commerce' within the meaning of 21 U. S. C. 334 (a) when the Keystone Fisheries obtained their release from the physical custody of the Collector of Customs, and they further moved 'in interstate commerce' when they were shipped from Minneapolis, Minnesota, to Los Angeles, Calif.

"(6) Said Tullibees were adulterated within the meaning of 21 U. S. C. 342 (a) (3) when they were introduced into and while they were in interstate commerce in that they consist in part of filthy substances.

"(7) Said Tullibees are subject to condemnation pursuant to 21 U. S. C. 334 (a) and (d), and libelant is entitled to a decree ordering condemnation.

"(8) Libelant is entitled to its costs herein, pursuant to 21 U. S. C. 334 (e)."

On April 4, 1949, judgment of condemnation was entered and the product was ordered released under bond for conversion into fertilizer, under the supervision of the Federal Security Agency.

**14598. Adulteration of frozen tullibees. U. S. v. 57 Boxes, etc. (F. D. C. No. 26095. Sample Nos. 10331-K, 10333-K to 10335-K, incl.)**

**LIBEL FILED:** November 24, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 19, 1948, by Shapiro Fisheries, Inc., from Chicago, Ill.

**PRODUCT:** 69 boxes, containing a total of 8,666 pounds, of frozen tullibees at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** December 14, 1948. Default decree of condemnation and destruction.

**14599. Adulteration of tullibees. U. S. v. 148 Boxes \* \* \*. (F. D. C. No. 26826. Sample No. 42325-K.)**

**LIBEL FILED:** March 5, 1949, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about February 7, 1949, by Mat Bodnar, from Winnipeg, Manitoba, Canada.

**PRODUCT:** 148 125-pound boxes of tullibees at Grand Haven, Mich.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** March 21, 1949. Default decree of condemnation and destruction. The decree was subsequently amended to provide for delivery of the product to a Federal institution, for use as fertilizer or animal feed.

**14600. Adulteration of frozen whiting. U. S. v. 200 Boxes \* \* \*. (F. D. C. No. 26675. Sample No. 45540-K.)**

**LIBEL FILED:** March 2, 1949, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about February 17, 1949, by the Pond Village Cold Storage Co., North Truro, Mass.

**PRODUCT:** 200 15-pound boxes of frozen whiting at Sioux City, Iowa.

**LABEL, IN PART:** "H & G Scaled Whiting Booth Fisheries Corp., Boston, Mass."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** April 5, 1949. Default decree of condemnation. The product was ordered sold, conditioned that it be denatured and disposed of for use as animal feed.

**14601. Adulteration of crab meat. U. S. v. 3 Boxes \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25382, 25538. Sample Nos. 2054-K, 40131-K.)**

**LIBELS FILED:** June 25 and July 2, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about June 22 and 29, 1948, by Kelly Watson & Co., from Lowlands, N. C.

**PRODUCT:** 3 boxes, each containing 63 1-pound cans, 1 barrel containing 105 1-pound cans, and 1 barrel containing 79 1-pound cans, of crab meat at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions, whereby it may have become contaminated with filth. (Analysis showed that the article was contaminated with *E. coli* of fecal origin.)

**DISPOSITION:** July 28 and August 4, 1948. Default decrees of condemnation and destruction.

**14602. Adulteration of crab meat. U. S. v. 93 Cans, etc. (F. D. C. No. 25847. Sample No. 3707-K.)**

**LIBEL FILED:** August 31, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about August 25, 1948, by W. G. Evans, from Messick, Va.

**PRODUCT:** 197 1-pound cans of crab meat at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (Analysis showed that the product was contaminated with *B. coli* of fecal origin.)

**DISPOSITION:** October 6, 1948. Default decree of condemnation and destruction.

**14603. Adulteration of crab meat. U. S. v. 28 Cans \* \* \*. (F. D. C. No. 21073. Sample No. 42047-H.)**

**LIBEL FILED:** On or about August 26, 1946, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about August 19, 1946, by the Metompink Bay Oyster Co., from Crisfield, Md.



PRODUCT: 28 1-pound cans of crab meat at Alexandria, Va.

LABEL, IN PART: "Metompkin Brand Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (The product was contaminated with *E. coli* of fecal origin.)

DISPOSITION: September 10, 1946. Default decree of condemnation and destruction.

14604. Misbranding of oysters. U. S. v. 7 Barrels \* \* \*. (F. D. C. No. 25728. Sample No. 6152-K.)

LIBEL FILED: October 19, 1948, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 12, 1948, by the Irvington Fish & Oyster Co., Inc., from Irvington, Va.

PRODUCT: 7 barrels, each containing 160 cans, of oysters at Pittsburgh, Pa.

LABEL, IN PART: "Oyster Standards \* \* \* Fres Shore Fresh Oysters Contents One Pint."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for oysters "standards." The definition and standard provides that oysters "standards" are thoroughly drained, whereas the article was not thoroughly drained.

DISPOSITION: October 20, 1948. The Irvington Fish & Oyster Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for removal of the surplus water, under the supervision of the Federal Security Agency. The 136¾ gallons of seized oysters yielded 109 gallons of oysters "standards."

14605. Misbranding of oysters. U. S. v. 50 Cans, etc. (F. D. C. No. 24032. Sample Nos. 6040-K, 6041-K.)

LIBEL FILED: December 22, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 12, 1947, by Carol Dryden & Co., from Crisfield, Md.

PRODUCT: 120 1-pint cans of oysters at Altoona, Pa.

LABEL, IN PART: "Pride of the Chesapeake Oysters Standards [or "Extra Selects"]."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the articles were represented as oysters "standards" and oysters "extra selects," and they failed to conform to the definitions and standards of identity since they were not thoroughly drained.

Further misbranding, Section 403 (g) (1), the article represented as oysters "extra selects" failed to conform to the definition and standard of identity for such food, since 1 gallon contained more than 210 oysters and a quart of the smallest oysters selected therefrom contained more than 58 oysters.

DISPOSITION: January 8, 1948. Default decree of condemnation and destruction.

14606. Adulteration of frozen scallops. U. S. v. 1,219 Pounds \* \* \*. (F. D. C. No. 24293. Sample No. 8715-K.)

LIBEL FILED: January 6, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 2, 1947, by the Ronny & Dannie Corp. and the Acushnet Fish Co., from New Bedford, Mass.

**PRODUCT:** 1,219 pounds of frozen scallops at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** November 9, 1948. Default decree of condemnation and destruction.

**14607. Adulteration of frozen scallops. U. S. v. 46 Cartons \* \* \*. (F. D. C. No. 24314. Sample Nos. 8720-K, 8722-K.)**

**LIBEL FILED:** January 23, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 4, 1947, by L. S. Eldridge & Son and The Ronny & Dannie Corp., from New Bedford, Mass.

**PRODUCT:** 46 cartons, each containing 6 10-pound packages of frozen scallops at New York, N. Y.

**LABEL, IN PART:** "FZN Scallops \* \* \* Packed for V. Cardella."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** February 19, 1948. M. P. Levy Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. Of the 2,138 pounds seized, 432 pounds of the product were found to be unfit and were destroyed.

**14608. Adulteration of frozen shrimp. U. S. v. 1,491 Cartons \* \* \*. (F. D. C. No. 26558. Sample No. 57784-K.)**

**LIBEL FILED:** February 23, 1949, Southern District of California.

**ALLEGED SHIPMENT:** On or about January 29, 1949, by Rafael Verdugo, from San Luis, Ariz.

**PRODUCT:** 1,491 5-pound cartons of frozen shrimp at Wilmington, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of a hydrocarbon oil.

**DISPOSITION:** April 29, 1949. Angelo J. Musante, San Pedro, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be denatured under the supervision of the Food and Drug Administration.

**14609. Adulteration of frozen shrimp. U. S. v. 66 Cartons \* \* \*. (F. D. C. No. 25884. Sample No. 41773-K.)**

**LIBEL FILED:** November 2, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 6, 1948, by the Riverside Co., from Berwick, La.

**PRODUCT:** 66 cartons, each containing 10 5-pound packages, of frozen shrimp at Chicago, Ill.

**LABEL, IN PART:** "Frozen Fresh Shrimp Product of Mexico Packed by Gulf Frozen Shrimp Co., Inc. New Orleans, La."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.



**DISPOSITION:** November 16, 1948. State Fish Distributors, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the good portion from the bad, under the supervision of the Federal Security Agency. On November 22, 1948, the decree was amended to provide for the destruction or the denaturing of the unfit portion. Of the 3,225 pounds seized, 1,990 pounds were segregated as bad.

## FRUITS AND VEGETABLES\*

### CANNED FRUIT

**14610. Adulteration of canned apples. U. S. v. 46 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25931, 25932. Sample Nos. 28858-K, 33411-K.)**

**LIBELS FILED:** November 16 and 17, 1948, District of Colorado and Northern District of California.

**ALLEGED SHIPMENT:** On or about July 24 and August 20, 1948, by Intermountain Food Co., Inc., from Provo, Utah.

**PRODUCT:** Apples. 46 cases at Trinidad, Colo., and 481 cases at San Francisco, Calif. Each case contained 6 6-pound cans.

**LABEL, IN PART:** "Mellhorn Brand Rocky Mountain Sliced Apples."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the corrosion of the cans, resulting in marked blackening of the apples.

**DISPOSITION:** December 13, 1948, and January 19, 1949. Default decrees of condemnation and destruction.

**14611. Adulteration of canned apples. U. S. v. 169 Cases \* \* \*. (F. D. C. Nos. 25878 to 25880, incl. Sample Nos. 28847-K to 28849-K, incl.)**

**LIBELS FILED:** On or about October 29, 1948, District of Colorado.

**ALLEGED SHIPMENT:** On or about July 24, 1948, by Intermountain Food Co., Inc., from Provo, Utah.

**PRODUCT:** 169 cases, each containing 6 6-pound cans, of sliced apples at Denver, Colo.

**LABEL, IN PART:** "Mellhorn Brand Sliced Apples."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** December 23, 1948. Default decrees of condemnation and destruction.

**14612. Adulteration of canned blueberries. U. S. v. 96 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 23973, 24006, 24007. Sample Nos. 28712-K, 28713-K, 28831-K.)**

**LIBELS FILED:** November 14 and December 9, 1947, District of Colorado.

**ALLEGED SHIPMENT:** On or about November 6, 1946, by the Sea-Land Frosted Foods Corp. from Marion, N. Y., and Boston, Mass.

**PRODUCT:** 222 cases, each containing 24 1-pound, 4-ounce cans, of blueberries at Denver, Colo.

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\*See also Nos. 14502-14506.

**LABEL, IN PART:** "Sea-Land Selected Blueberries."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed and rotten blueberries.

**DISPOSITION:** January 8 and February 3, 1948. Decrees of condemnation and destruction.

**14613. Adulteration and misbranding of canned cherries. U. S. v. 496 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25510, 25872. Sample Nos. 36527-K, 45436-K, 45437-K.)**

**LIBELS FILED:** October 12 and 27, 1948, Eastern District of Pennsylvania and Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about August 2 and 6, 1948, by the Starr Fruit Products Co., from Salem and Portland, Oreg.

**PRODUCT:** Canned cherries. 496 cases at Philadelphia, Pa., and 48 cases at Davenport, Iowa. Each case contained 6 cans of 6-pound, 7-ounce, or 6-pound, 8-ounce, capacity.

**LABEL IN PART:** (Can) "Firefly Brand \* \* \* Dark Sweet Pitted Cherries Packed in Water."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed cherries.

Misbranding, Section 402 (a), (Philadelphia lot) the label statement "Packed in Water" was false and misleading since the article was packed in sirup; and, Section 402 (g) (2), the product was represented as canned cherries and failed to conform to the definition and standard of identity, since it failed to bear the name of the optional packing medium, as required by the regulations.

**DISPOSITION:** October 12 and December 7, 1948. Default decrees of condemnation and destruction.

**14614. Misbranding of canned cherries. U. S. v. 49 Cases \* \* \*. (F. D. C. No. 25556. Sample No. 36524-K.)**

**LIBEL FILED:** October 12, 1948, Eastern District of Pennsylvania; amended December 17, 1948.

**ALLEGED SHIPMENT:** On or about August 6, 1948, by the Starr Fruit Products Co., from Portland, Oreg.

**PRODUCT:** 49 cases, each containing 24 1-pound, 13-ounce cans, of cherries at Philadelphia, Pa.

**LABEL, IN PART:** "Park Farm Brand (Pitted) Dark Sweet Cherries in Heavy Syrup Fancy Grade" and "Park Farm Brand Light Sweet Royal Anne Cherries Fancy Grade."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Fancy Grade" was false and misleading as applied to the product, which was not of fancy grade because of defects; and the label statement "Light Sweet Royal Anne Cherries," which appeared on some of the can labels, was false and misleading as applied to the product, which consisted of pitted dark sweet cherries.

Further misbranding, Section 403 (g) (2), the article purported to be and was represented as canned cherries, a food for which a definition and standard of identity had been prescribed by regulation, and the label on some cans failed to bear the name of the food specified in the standard since the cans were



labeled "Light Sweet Royal Anne Cherries," whereas the cans contained pitted dark sweet cherries.

**DISPOSITION:** January 4, 1949. The Starr Fruit Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**14615. Adulteration of canned fruit cocktail. U. S. v. 86 Cases \* \* \*. (F. D. C. No. 25717. Sample No. 23432-K.)**

**LIBEL FILED:** October 19, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about September 7, 1948, by Hunt Foods, Inc., from Hayward, Calif.

**PRODUCT:** 86 cases, each containing 72 8-ounce cans, of fruit cocktail at Lake Charles, La.

**LABEL, IN PART:** "Hunt's Fruit Cocktail in Heavy Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition.

**DISPOSITION:** January 18, 1949. Hunt Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. Of the 63 cases seized, 9 cases and 68 cans were found unfit and were destroyed.

### DRIED FRUIT

**14616. Adulteration of dried apples. U. S. v. 3 Boxes \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25934, 26212. Sample Nos. 39821-K, 39822-K.)**

**LIBELS FILED:** December 2 and 9, 1948, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about October 12 and November 4, 1948, by the Howell Bakers Supply Co., from Cincinnati, Ohio.

**PRODUCT:** Dried apples. 3 50-pound boxes at Indianapolis, Ind., and 3 50-pound boxes at Clermont, Ind.

**LABEL, IN PART:** "Extra Choice Empire Oregon-Washington Dehydrated Apples Recleaned" or "Iris Brand Choice California Dehydrated Apples Sliced."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), (3 boxes) the product was prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 24, 1949. Default decrees of forfeiture and destruction. On March 29 and 30, 1949, amended decrees were entered ordering the product delivered to an institution, for use as hog feed.

**14617. Adulteration of dried figs. U. S. v. 33 Cartons \* \* \*. (F. D. C. No. 24357. Sample No. 9257-K.)**

**LIBEL FILED:** March 4, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 25, 1947, by the Roeding Fig Co., from Fresno, Calif.

PRODUCT: 33 25-pound cartons of dried figs at New York, N. Y.

LABEL, IN PART: "Roeding's Fancy Quality Khedive Brand Calimyrna Figs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta, and of a decomposed substance by reason of the presence of moldy and sour figs.

DISPOSITION: April 1, 1948. Default decree of condemnation and destruction.

14618. Adulteration of prunes. U. S. v. 32 Boxes \* \* \*. (F. D. C. No. 26124. Sample No. 48134-K.)

LIBEL FILED: December 9, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 29, 1946, from San Jose, Calif.

PRODUCT: 32 25-pound boxes of prunes at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 4, 1949. Default decree of condemnation and destruction.

### FROZEN FRUIT

14619. Adulteration of frozen Concord grapes. U. S. v. 523 Baskets \* \* \*. (F. D. C. No. 25854. Sample No. 5157-K.)

LIBEL FILED: October 15, 1948, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 13, 1948, by Ralph W. Emerson, from Wyoming, Del.

PRODUCT: 523 baskets, each containing 17 pounds, of frozen Concord grapes at Everett, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots, and of a decomposed substance by reason of the presence of mold.

DISPOSITION: November 15, 1948. Default decree of condemnation and destruction.

14620. Adulteration and misbranding of frozen crushed pineapple. U. S. v. 24 Cases \* \* \*. (F. D. C. No. 25666. Sample No. 33627-K.)

LIBEL FILED: September 27, 1948, District of Nevada.

ALLEGED SHIPMENT: On or about October 2, 1947, by the Merchants Ice & Cold Storage Co., from San Francisco, Calif.

PRODUCT: 24 cases, each containing 3 15-pound packages, of frozen crushed pineapple at Reno, Nev.

LABEL, IN PART: "Frostex Cr. Pnpl."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing pineapple with added sugar had been substituted in whole or in part for crushed pineapple.

Misbranding, Section 403 (e) (1), the product was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (i) (1), it failed to bear a



label containing the common or usual name of the product; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: October 29, 1948. Default decree of condemnation and destruction.

14621. Adulteration of frozen strawberries. U. S. v. 70 Cans \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24664, 24958. Sample Nos. 22921-K, 23212-K.)

LIBELS FILED: On or about June 3 and 17, 1948, Southern District of Mississippi and Northern District of Alabama.

ALLEGED SHIPMENT: On or about May 6 and 7, 1948, by M. W. Miller & Co., from Hammond, La.

PRODUCT: 87 30-pound cans of frozen strawberries at Birmingham, Ala., and Jackson, Miss.

LABEL, IN PART: "All Star Brand Frozen Fresh Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy berries.

DISPOSITION: July 27 and September 29, 1948. Default decrees of condemnation and destruction.

#### MISCELLANEOUS FRUIT PRODUCTS

14622. Adulteration and misbranding of apple butter. U. S. v. 248 Cases \* \* \*. (F. D. C. No. 24290. Sample No. 20238-K.)

LIBEL FILED: January 3, 1948, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about December 11, 1947, by the Colonial Mfg. Co., from Omaha, Nebr.

PRODUCT: 248 cases, each containing 12 28-ounce jars, of apple butter at Oklahoma City, Okla.

LABEL, IN PART: (Jar) "Colonial Apple Butter Contains: Apples, Sugar, Spices 28 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 43 percent soluble-solids content had been substituted for apple butter.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple butter since its soluble-solids content was less than 43 percent.

DISPOSITION: January 7, 1948. The Colonial Mfg. Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

14623. Misbranding of peach preserves. U. S. v. Atlantic Preserving Co., Inc. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 24553. Sample Nos. 406-K, 407-K.)

INFORMATION FILED: May 17, 1948, Northern District of Georgia, against Atlantic Preserving Co., Inc., Atlanta, Ga.

ALLEGED SHIPMENT: On or about August 21, 1947, from the State of Georgia into the State of North Carolina.

LABEL, IN PART: "Mrs. Bell's Home Made Peach Preserves \* \* \* Mrs. Bell Preserving Co. Atlanta, Georgia."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for peach preserves since its soluble-solids content was less than 65 percent.

DISPOSITION: July 22, 1948. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200 on each of two counts.

### VEGETABLES AND VEGETABLE PRODUCTS

14624. Adulteration of canned Mexican Style beans. U. S. v. 10 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24415, 24416. Sample Nos. 26147-K, 26149-K, 26151-K.)

LIBELS FILED: On or about January 26, 1948, Western District of Missouri.

ALLEGED SHIPMENT: On or about February 28, 1947, by Stokely-Van Camp, Inc., from Indianapolis, Ind.

PRODUCT: 125 cases, each containing 24 1-pound, 4-ounce cans, of Mexican Style beans at Lebanon and Springfield, Mo.

LABEL, IN PART: "Van Camp's Mexican Style Beans In Chili Gravy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained burrs, an added deleterious substance, which might have rendered the product injurious to health.

DISPOSITION: On or about March 31, 1948. Default decrees of condemnation and destruction.

14625. Adulteration of canned pork and beans. U. S. v. 57 Cases \* \* \*. (F. D. C. No. 24609. Sample No. 18240-K.)

LIBEL FILED: April 20, 1948, Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 21, 1947, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 57 cases, each containing 12 3-pound, 4-ounce cans, of pork and beans at Massillon, Ohio.

LABEL, IN PART: "Jackson Brand Pork and Beans With Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 19, 1948. Default decree of condemnation and destruction.

14626. Adulteration of celery. U. S. v. 301 Crates \* \* \*. (F. D. C. No. 26525. Sample Nos. 49901-K, 49904-K to 49906-K, incl., 49911-K.)

LIBEL FILED: February 11, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about January 17, 1949, by John C. Maurer & Sons, from Stockton, Calif.

PRODUCT: 301 crates, each containing approximately 3 dozen boxes, of celery at Denver, Colo.

LABEL, IN PART: "Maurer's Non Pareil Red Lion King of Them All."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: February 21, 1949. The Mile High Vegetable Distributors, Denver, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under



bond for trimming and the stripping off of the unfit portion, under the supervision of the Food and Drug Administration. After the salvaging of 763 pounds from 60 crates weighing approximately 3,313 pounds, the salvaging operations were abandoned, and the balance of the product was disposed of as hog feed.

**14627. Adulteration of canned corn. U. S. v. 1,086 Cases \* \* \*. (F. D. C. No. 26594. Sample No. 10927-K.)**

**LIBEL FILED:** February 15, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 23, 1948, by Libby, McNeill & Libby, Evansville, Wis.

**PRODUCT:** 1,086 cases, each containing 48 11-ounce cans, of corn at New York, N. Y.

**LABEL, IN PART:** "Libby's Golden Sweet Corn Cream Style."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worm parts.

**DISPOSITION:** April 21, 1949. Default decree of condemnation and destruction.

**14628. Adulteration of canned corn. U. S. v. 246 Cases \* \* \*. (F. D. C. No. 26595. Sample No. 10928-K.)**

**LIBEL FILED:** February 15, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 12, 1948, by the Dorchester Canning Co., from Stoughton, Wis.

**PRODUCT:** 246 cases, each containing 48 11-ounce cans, of corn at New York, N. Y.

**LABEL, IN PART:** "Fifth Ave. Cream Style Golden Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worm parts.

**DISPOSITION:** April 21, 1949. Default decree of condemnation and destruction.

**14629. Adulteration of canned corn. U. S. v. 151 Cases \* \* \*. (F. D. C. No. 26567. Sample No. 16917-K.)**

**LIBEL FILED:** February 25, 1949, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about November 19, 1948, by the Storm Lake Canning Co., from Storm Lake, Iowa.

**PRODUCT:** 151 cases, each containing 24 1-pound, 4-ounce cans, of corn at Milwaukee, Wis.

**LABEL, IN PART:** "Golden Sweet Cream Style Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

**DISPOSITION:** May 2, 1949. Default decree of condemnation and destruction.

**14630. Adulteration of canned corn. U. S. v. 90 Cases \* \* \*. (F. D. C. No. 25103. Sample No. 40215-K.)**

**LIBEL FILED:** July 23, 1948, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about February 16, 1948, by H. M. Ruff & Son, from Airville, Pa.

PRODUCT: 90 cases, each containing 24 1-pound, 4-ounce cans, of corn at Richmond, Va.

LABEL, IN PART: "Bet-Dor Brand Whole Grain White Sugar Corn \* \* \* Packed by S. M. Fife Airville, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm fragments.

DISPOSITION: December 3, 1948. Default decree of condemnation and destruction. The product was delivered to a Federal institution, for use as animal feed.

14631. Adulteration of canned mustard greens. U. S. v. 67 Cases \* \* \*.  
(F. D. C. No. 25174. Sample No. 21376-K.)

LIBEL FILED: On or about July 27, 1948, Western District of Missouri.

ALLEGED SHIPMENT: On or about May 29, 1948, by the Alma Canning Co., from Alma, Ark.

PRODUCT: 67 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Kansas City, Mo.

LABEL, IN PART: "Congress Brand Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: October 12, 1948. Default decree of condemnation and destruction.

14632. Adulteration of canned mustard greens. U. S. v. 37 Cases \* \* \*.  
(F. D. C. No. 25873. Sample No. 21672-K.)

LIBEL FILED: On or about November 2, 1948, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about May 19, 1948, by the Good Canning Co., from Fort Smith, Ark.

PRODUCT: 37 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Tulsa, Okla.

LABEL, IN PART: "Good Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of aphids, thrips, and larvae.

DISPOSITION: December 10, 1948. Default decree of condemnation and destruction.

14633. Adulteration of canned turnip greens. U. S. v. 198 Cases \* \* \*.  
(F. D. C. No. 25153. Sample No. 974-K.)

LIBEL FILED: On or about August 6, 1948, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 7, 1948, by the Pharr Canning Co., Inc., from Van Buren, Ark.

PRODUCT: 198 cases, each containing 6 1-pound, 2-ounce cans, of turnip greens at Atlanta, Ga.

LABEL, IN PART: "Whiteside Farms Fancy Turnip Greens \* \* \* Packed by Whiteside Cannery, Van Buren, Ark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.



**DISPOSITION:** September 10, 1948. Default decree of condemnation and destruction. On September 14, 1948, the decree was amended to provide for delivery of the product to a Federal institution.

**14634. Adulteration and misbranding of canned black-eyed peas. U. S. v. 89 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 25851, 25869. Sample Nos. 96-K, 1202-K.)**

**LIBELS FILED:** On or about October 18 and November 1, 1948, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about January 2, 1948, by the Thomas & Drake Canning Co., from Haskell, Okla.

**PRODUCT:** 146 cases, each containing 48 15-ounce cans, of black-eyed peas at Charleston and Conway, S. C.

**LABEL, IN PART:** (Can) "Elm Black Eye Peas Contents 15 Ozs. Avd."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the containers of the product were so filled as to be misleading.

Adulteration, Section 402 (b) (2), (Conway lot) a product containing added water had been substituted in whole or in part for black-eyed peas. (The cans in both lots contained fewer black-eyed peas than they should have contained, and the Conway lot contained excessive packing medium.)

**DISPOSITION:** January 11, 1949. Default decrees of condemnation. The product was ordered delivered to charitable institutions.

**14635. Misbranding of canned peas. U. S. v. De Graff Packing Co. Plea of guilty. Fine, \$500. (F. D. C. No. 25613. Sample No. 2908-K.)**

**INFORMATION FILED:** March 4, 1949, Southern District of Ohio, against the De Graff Packing Co., a corporation, De Graff, Ohio.

**ALLEGED SHIPMENT:** On or about January 17, 1948, from the State of Ohio into the State of Virginia.

**LABEL, IN PART:** "Miami Leader Early Peas The De Graff Food Co. De Graff, O."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article was below standard in quality because of alcohol-insoluble solids in excess of 23.5 percent, the maximum permitted by the standard, and was not labeled to indicate that it was substandard.

**DISPOSITION:** April 14, 1949. A plea of guilty having been entered, the court imposed a fine of \$500.

**14636. Misbranding of canned peas. U. S. v. Eastern Shore Canning Co., Inc. Plea of nolo contendere. Fine, \$350. (F. D. C. No. 11381. Sample Nos. 20238-F, 20239-F, 23717-F, 34217-F, 46344-F, 46369-F, 46370-F.)**

**INFORMATION FILED:** May 16, 1944, Eastern District of Virginia, against the Eastern Shore Canning Co., Inc., Machipongo, Va.

**ALLEGED VIOLATION:** The information charged that the defendant shipped, on or about June 8, 14, 21, and 23, and July 26, 1943, 7 shipments of canned peas from the State of Virginia into the States of Pennsylvania, Massachusetts, and North Carolina. The information charged also that the defendant gave a false guaranty with respect to a lot of canned peas to Albert W. Sisk & Son of Preston and Aberdeen, Md., on or about July 15, 1939. The guaranty provided that all food shipped to the latter firm would be neither adulterated nor misbranded

within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about June 14, 1943, the defendant sold and delivered to Albert W. Sisk & Son a number of cases of peas which were misbranded and which were shipped on June 14, 1943, by Albert W. Sisk & Son, from the State of Virginia into the State of Pennsylvania.

**LABEL, IN PART:** "Escoco Brand Sweet Peas," "Eastern Shore Brand Sifted Early June Peas," or "Virginia's Best Early June Peas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality prescribed by the regulations for canned peas, in one or more of the following respects: An excessive proportion of the peas failed to meet the test for tenderness; the peas were excessively mealy, as shown by the high alcohol insoluble-solids content; and an excessive number of the peas were ruptured. The product failed to bear the substandard legend.

Further misbranding, Section 403 (h) (2), (1 lot) the product fell below the standard of fill of container for canned peas, and its label did not bear a statement that it fell below such standard.

**DISPOSITION:** March 16, 1949. A plea of nolo contendere having been entered, the defendant was fined \$350.

**14637. Misbranding of canned peas. U. S. v. 540 Cases \* \* \*. (F. D. C. No. 24425. Sample No. 26666-K.)**

**LIBEL FILED:** January 30, 1948, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 15, 1946, by the Elkhart Lake Canning Co., from Elkhart Lake, Wis.

**PRODUCT:** 540 cases, each containing 24 1-pound, 4-ounce cans, of peas at Springfield, Ill.

**LABEL, IN PART:** "Myrna Brand Sifted Early June peas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard in quality because of alcohol-insoluble solids in excess of 23.5 percent, the maximum permitted by the standard, and was not labeled to indicate that it was substandard.

**DISPOSITION:** March 8, 1948. The Elkhart Lake Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

**14638. Misbranding of canned peas. U. S. v. 399 Cases \* \* \*. (F. D. C. No. 25035. Sample No. 27936-K.)**

**LIBEL FILED:** July 15, 1948, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 27, 1946, by the Oostburg Canning Co., from Oostburg, Wis.

**PRODUCT:** 399 cases, each containing 24 1-pound, 4-ounce cans, at St. Louis, Mo.

**LABEL, IN PART:** "From the Heart of Dairyland Wisconsin Medium Early June Peas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article was below standard in quality because of alcohol-insoluble solids in excess of 23.5 percent, the maximum permitted by the standard, and was not labeled to indicate that it was substandard.

**DISPOSITION:** September 7, 1948. The Oostburg Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered



and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. A total of 183 cases was found to be satisfactory, and the remainder of the product was relabeled with the substandard label.

**14639. Adulteration of canned pimientos. U. S. v. 56 Cases, etc. (F. D. C. No. 25094, 25407. Sample Nos. 9213-K, 47965-K.)**

**LIBELS FILED:** July 14 and August 20, 1948, District of New Jersey and Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** In part, on or about October 10, 1946, by Langford & Taylor, from Meansville, Ga., to Jersey City, N. J., and in part, on or about July 15, 1948, by Swift & Co., from Jersey City, N. J., to Wilkes-Barre, Pa.

**PRODUCT:** Canned pimientos. 160 cases at Jersey City, N. J., and 56 cases at Wilkes-Barre, Pa. Each case contained 24 1-pound, 12-ounce cans.

**LABEL, IN PART:** "Mercedes Brand Broken Pieces Pimientos Packed by Langford & Taylor, Meansville, Georgia."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten pimientos.

**DISPOSITION:** October 11 and 13, 1948. Langford & Taylor having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the fit portion be segregated and reconditioned and that the unfit portion be destroyed under the supervision of the Federal Security Agency. Of the 142 cases that were seized under the two libels, the reconditioning operations resulted in the recovery of 89 cases of passable product.

**14640. Adulteration of Soyabits (ground soybeans). U. S. v. 33 Bags, etc. (F. D. C. Nos. 25713, 25714. Sample Nos. 45845-K, 45918-K.)**

**LIBELS FILED:** October 18, 1948, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about May 10, 1948, from Chicago, Ill.

**PRODUCT:** 55 100-pound bags of Soyabits at Memphis, Tenn.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and insect excreta pellets. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 29, 1948. Default decrees of condemnation. The product was ordered sold to be denatured under the supervision of the Federal Security Agency and to be disposed of for purposes other than for human consumption.

**TOMATOES AND TOMATO PRODUCTS\***

**14641. Adulteration and misbranding of canned tomatoes. U. S. v. 453 Cases \* \* \*. (F. D. C. No. 24318. Sample No. 21128-K.)**

**LIBEL FILED:** January 27, 1948, District of Kansas.

**ALLEGED SHIPMENT:** On or about August 14, 1947, by the Chamberlain Canning Co., from Anderson, Mo.

**PRODUCT:** 453 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Coffeyville, Kans.

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\*See also Nos. 14503-14506.

**LABEL, IN PART:** (Can) "Indian Creek Brand Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient of canned tomatoes; and Section 403 (h) (1), the product was substandard in quality with respect to strength and redness of color.

**DISPOSITION:** April 13, 1948. The Chamberlain Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be used in the manufacture of other food products in which tomatoes are a normal ingredient, under the supervision of the Federal Security Agency.

**14642. Misbranding of canned tomatoes. U. S. v. 419 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 23704, 23847. Sample Nos. 76666-H, 83068-H.)**

**LIBELS FILED:** September 16 and October 9, 1947, Middle District of Tennessee and Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about June 4 and July 19, 1947, by the Meyer Canning Co., from Edinburg, Tex.

**PRODUCT:** Canned tomatoes. 419 cases, each containing 48 10-ounce cans, at Gallatin, Tenn., and 1,797 cases, each containing 24 1-pound, 3-ounce cans, at Shreveport, La.

**LABEL, IN PART:** "Gold Inn Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since its strength and redness of color failed to meet the tests prescribed in the standard, and its label failed to bear the substandard legend.

**DISPOSITION:** On April 5, 1948, the Meyer Canning Co. and Ludwig Wendlandt, Austin, Tex., claimants for the respective lots, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. On April 30, 1948, at the request of the claimant for the Austin, Tex., lot, the court ordered the marshal to repossess the goods seized in that city and ordered the product delivered to a charitable institution.

**14643. Misbranding of canned tomatoes. U. S. v. 1,913 Cases \* \* \*. (F. D. C. No. 26077. Sample No. 5629-K.)**

**LIBEL FILED:** November 19, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about September 21, 1948, by the Break O'Day Co-Operative Canning Co., from Jasper, Ind.

**PRODUCT:** 1,913 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Worcester, Mass.

**LABEL, IN PART:** "Break O'Day Brand Hand Packed Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of low drained weight and because of the presence of excessive tomato peel, and its label failed to bear a statement that the product fell below the standard.



**DISPOSITION:** May 2, 1949. The Triangle Sales Corp. of Lynn, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**14644. Misbranding of canned tomatoes. U. S. v. 414 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24297, 24355. Sample Nos. 20967-K, 21420-K.)**

**LIBELS FILED:** January 14 and March 2, 1948, Northern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about August 14 and 16, 1947, by the Johnson & Steele Canning Co., from West Fork, Ark.

**PRODUCT:** 1,012 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Bristow and Tulsa, Okla.

**LABEL, IN PART:** "Little Mill Brand Tomatoes \* \* \* Packed for Springdale Canning Co. Springdale, Ark." and "Nancy Lee Brand Tomatoes Packed for Steele Canning Co. Springdale, Ark."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned tomatoes since it failed to meet the requirements for strength and redness of color, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** February 20 and March 17, 1948. Joe M. Steele, doing business as the Springdale Canning Co. and the Steele Canning Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**14645. Misbranding of canned tomatoes. U. S. v. 597 Cases \* \* \*. (F. D. C. No. 25744. Sample No. 23258-K.)**

**LIBEL FILED:** September 14, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about August 2, 1948, by the Athens Canning Co., from Athens, Tex.

**PRODUCT:** 597 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at De Quincy, La.

**LABEL, IN PART:** "Homefolk Brand Tomatoes."

**NATURE OF CHARGE:** Misbanding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes, and it was not labeled to show that it was substandard. It failed to meet the test for strength and redness of color, and it contained excessive peel.

**DISPOSITION:** October 22, 1948. The Athens Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**14646. Misbranding of canned tomatoes. U. S. v. 473 Cases \* \* \*. (F. D. C. No. 23719. Sample No. 49732-H.)**

**LIBEL FILED:** September 29, 1947, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about June 21, 1947, by the Bennett-Ray Canning Co., from Pharr, Tex.

**PRODUCT:** 473 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Lafayette, La.

**LABEL, IN PART:** "Trappey's Shield Label Tomatoes \* \* \* Packed by B. F. Trappey's Sons Inc., Lafayette, Louisiana."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Packed by B. F. Trappey's Sons Inc." was false and misleading since the product was not packed by that firm; and, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it was below standard in color and contained excessive peel, and it failed to bear the substandard legend.

**DISPOSITION:** January 5, 1948. The Bennett-Ray Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**14647. Adulteration of tomato catsup. U. S. v. 449 Cases \* \* \*. (F. D. C. No. 24424. Sample No. 24944-K.)**

**LIBEL FILED:** January 23, 1948, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about October 15, 1947, by the Fettig Canning Corp., from Elwood, Ind.

**PRODUCT:** 449 cases, each containing 24 14-ounce bottles, of tomato catsup at Davenport, Iowa.

**LABEL, IN PART:** "Mary's Choice Tomato Catsup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** March 26, 1948. Default decree of condemnation and destruction.

**14648. Adulteration of tomato catsup. U. S. v. 39 Cases \* \* \*. (F. D. C. No. 26432. Sample No. 2566-K.)**

**LIBEL FILED:** January 31, 1949, Northern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 25, 1948, by the Fettig Canning Corp., from Elwood, Ind.

**PRODUCT:** 39 cases, each containing 24 14-ounce bottles, of tomato catsup at Gypsy, W. Va.

**LABEL, IN PART:** (Bottle) "Mary's Choice Tomato Catsup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 23, 1949. Default decree of condemnation and destruction.

**14649. Adulteration of tomato catsup. U. S. v. 77 Cases \* \* \*. (F. D. C. No. 26387. Sample No. 40166-K.)**

**LIBEL FILED:** On or about January 19, 1949, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about November 18, 1948, by the Morgan Packing Co., from Austin, Ind.

**PRODUCT:** 77 cases, each containing 24 14-ounce bottles, of tomato catsup at Richmond, Va.

**LABEL, IN PART:** (Bottles) "American Beauty \* \* \* Tomato Catsup."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** March 4, 1949. Default decree of condemnation and destruction.

**14650. Adulteration of tomato paste. U. S. v. 299 Cases \* \* \* (and 3 other seizure actions).** (F. D. C. Nos. 18757, 18792, 18875, 19177. Sample Nos. 25011-H, 45449-H, 46615-H, 46765-H, 46766-H, 46768-H.)

**LIBELS FILED:** January 3, 9, and 22, and February 14, 1946, District of Utah, Western District of Washington, Eastern District of Louisiana, and Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 9 and November 3, 5, and 21, 1945, and January 10, 1946, in part, by the Aron Canning Co., from Stockton, Lodi, and Alameda, Calif., and by the Regent Canfood Co., from Alameda, Calif.

**PRODUCT:** Tomato paste. 299 cases at Salt Lake City, Utah, 75 cases at Seattle, Wash., 233 cases at New Orleans, La., and 400 cases at New York, N. Y. Each case contained 100 6-ounce cans.

**LABEL IN PART:** "Corina [or "Corina Brand"] Fancy California Tomato Paste Net Weight 6 Oz. Avoir., Packed by Aron Canning Co., Stockton, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product contained decomposed tomato material.)

**DISPOSITION:** On March 20, 1946, the Aron Canning Co. having appeared as claimant, the cases were transferred to the District of Nevada for consolidation at the claimant's request. Subsequently, the Bank of America National Trust and Savings Association as trustee, under the Last Will and Testament of Aron Hershel, doing business as the Aron Canning Co., appeared as claimant. Pursuant to an order of the court, dated December 20, 1946, and an Amended Notice of Taking of Samples, dated March 27, 1947, the claimant and the Government took post seizure samples. On February 5, April 9, and December 3, 1948, the claimant having consented, decrees of condemnation and destruction were entered.

**14651. Adulteration of tomato paste. U. S. v. 155 Cases \* \* \*. (F. D. C. No. 24454. Sample No. 2467-K.)**

**LIBEL FILED:** February 26, 1948, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about October 2 and November 25, 1947, by Gibbs & Co., Inc., from Baltimore, Md.

**PRODUCT:** 155 cases, each containing 100 6-ounce cans, of tomato paste at Huntington, W. Va.

**LABEL, IN PART:** "Gibbs Tomato Paste."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** May 27, 1948. Default decree of condemnation and destruction.

**14652. Adulteration of tomato puree. U. S. v. 498 Cases \* \* \* (and 2 other seizure actions).** (F. D. C. Nos. 24879, 24880, 24913. Sample Nos. 22605-K, 33606-K, 33610-K.)

**LIBELS FILED:** June 10 and 11 and July 15, 1948, District of New Jersey and Eastern District of New York.

**ALLEGED SHIPMENT:** On or about May 13 and June 4, 1948, by Escalon Packers, Inc., from Stockton, Calif.

**PRODUCT:** 2,594 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Paterson, N. J., and Brooklyn, N. Y.

**LABEL, IN PART:** "Bonta Fancy California Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** July 28, September 20, and October 11, 1948. Default decrees of condemnation and destruction.

**14653. Adulteration of tomato puree. U. S. v. 42 Cases \* \* \*. (F. D. C. No. 24610. Sample No. 41530-K.)**

**LIBEL FILED:** April 26, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 25, 1947, by the Morgan Packing Co., from Austin, Ind.

**PRODUCT:** 42 cases, each containing 48 10½-ounce cans, of tomato puree at Chicago, Ill.

**LABEL, IN PART:** "Scout Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** September 24, 1948. Default decree of condemnation and destruction.

**14654. Adulteration and misbranding of tomato puree. U. S. v. 14 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24482, 24673. Sample Nos. 26378-K, 27179-K.)**

**LIBELS FILED:** On or about March 18 and June 14, 1948, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 21 and March 2, 1948, by the Orestes Canning Co., from Elwood, Ind.

**PRODUCT:** 18 cases, each containing 48 10½-ounce cans, of tomato puree at Centralia and Danville, Ill.

**LABEL, IN PART:** "Indian Chief Brand Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** May 27 and August 12, 1948. Default decrees of condemnation. The product in the Centralia lot was ordered delivered to a charitable institution, and the product in the Danville lot was ordered sold for purposes other than for human consumption. On September 25, 1948, the decree against the Danville lot was amended to provide for delivery of the product to a charitable institution in the event that this lot could not be sold.



**14655. Misbranding of tomato puree. U. S. v. 699 Cases \* \* \*. (F. D. C. No. 25238. Sample No. 23238-K.)**

**LIBEL FILED:** August 4, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about July 6, 1948, by the Taormina Co., from Donna, Tex.

**PRODUCT:** 699 cases, each containing 100 4¾-ounce cans, of tomato puree at Church Point, La.

**LABEL, IN PART:** "Buffalo Brand Tomato Puree."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product was represented as tomato puree, and it failed to conform to the definition and standard of identity since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** February 5, 1949. The Taormina Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the substandard puree be segregated under the supervision of the Federal Security Agency and delivered to charitable institutions. Of the 661 cases seized, 438 were segregated as substandard and delivered to various charitable institutions.

**14656. Adulteration and misbranding of tomato sauce. U. S. v. 208 Cases \* \* \*. (F. D. C. No. 26147. Sample No. 23529-K.)**

**LIBEL FILED:** On or about December 22, 1948, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about September 17, 1948, by R. Raspanti & Sons, Crystal Springs, Miss.

**PRODUCT:** 208 cases, each containing 100 4¾-ounce cans, of tomato sauce at Shreveport, La.

**LABEL, IN PART:** "Baby Brand Tomato Sauce \* \* \* Packed by Crystal Springs Canning Co. Crystal Springs, Miss."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an unconcentrated or a slightly concentrated comminuted tomato liquid with added salt and a small amount of spices had been substituted in whole or in part for tomato sauce, an article understood to be a comminuted tomato product, which is more concentrated than this product.

Misbranding, Section 403 (a), the label statement "Tomato Sauce" was false and misleading as applied to an unconcentrated or slightly concentrated comminuted tomato liquid with added salt and a small amount of spices; and, Section 403 (g) (1), the product was represented on the invoice to be tomato puree, a food for which a definition and standard of identity had been prescribed by the regulations, and it failed to conform to such definition and standard since it contained less than 8.37 percent of salt-free tomato solids.

**DISPOSITION:** February 21, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**14657. Adulteration and misbranding of tomato sauce. U. S. v. 24 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26467, 26468. Sample Nos. 53096-K, 53100-K.)**

**LIBELS FILED:** January 14, 1949, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about October 9 and December 2, 1948, by the Russell Co., from Jackson and Natchez, Miss.

**PRODUCT:** Tomato sauce. 24 cases at Covington, La., and 41 cases at Franklin-ton, La. Each case contained 100 5¾-ounce cans.

**LABEL, IN PART:** "Carmela Brand Tomato Sauce \* \* \* Distributed by Dixie Canning Co., Inc., Crystal Springs, Mississippi."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (It contained decomposed tomato material.)

Misbranding, Section 403 (a), the label statement "Tomato Sauce" was false and misleading as applied to the product which was a slightly concentrated tomato juice containing added starch.

**DISPOSITION:** March 22 and April 19, 1949. Default decrees of condemnation and destruction.

## MEAT AND POULTRY

**14658. Adulteration of canned roast beef. U. S. v. 100 Cases \* \* \*. (F. D. C. No. 25254. Sample No. 40637-K.)**

**LIBEL FILED:** On or about August 12, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about August 25, 1947, from Detroit, Mich.

**PRODUCT:** 100 cases, each containing 9 6-pound cans, of roast beef at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 16, 1948. Default decree of condemnation and destruction.

**14659. Alleged adulteration of frozen poultry. U. S. v. J. D. Jewell, Inc. Plea of not guilty. Trial by jury. Verdict of not guilty. (F. D. C. No. 22050. Sample No. 1553-H.)**

**INFORMATION FILED:** April 30, 1947, Northern District of Georgia, against J. D. Jewell, Inc., Gainesville, Ga.

**ALLEGED SHIPMENT:** On or about October 6, 1946, from the State of Georgia into the State of Florida.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed chickens.

**DISPOSITION:** April 29, 1948. A plea of not guilty having been entered, the case was tried before a jury; a verdict of not guilty was returned.

## NUTS AND NUT PRODUCTS

**14660. Adulteration of mixed nuts and brazil nuts. U. S. v. 19 Bags \* \* \* (and 1 other seizure action). (F. D. C. Nos. 24001, 24166. Sample Nos. 3212-K, 12236-K.)**

**LIBELS FILED:** December 3 and 8, 1947, District of Maryland and Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 7 and 23, 1947, by William A. Camp Co., Inc., from New York, N. Y.

**PRODUCT:** 5 50-pound bags and 40 pounds in bulk of mixed nuts at Baltimore, Md., and 19 100-pound bags of brazil nuts at Wilkes-Barre, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy,



rancid, and otherwise decomposed nuts, and was otherwise unfit for food by reason of the presence of empty shells; further, the mixed nuts consisted in part of a filthy substance by reason of the presence of insect-infested nuts.

**DISPOSITION:** January 27 and February 10, 1948. Default decrees of condemnation and destruction.

**14661. Adulteration of brazil nuts. U. S. v. 18 Bags, etc. (and 2 other seizure actions).** (F. D. C. Nos. 25920, 25930, 26094. Sample Nos. 6159-K, 47995-K, 47996-K, 48102-K.)

**LIBELS FILED:** November 10, 16, and 24, 1948, Eastern, Western, and Middle Districts of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 4 and 14 and November 5 and 15, 1948, by Graham Co., Inc., New York, N. Y.

**PRODUCT:** Brazil nuts. 18 50-pound bags and 23 cases, each case containing 24 1-pound bags, at Hazleton, Pa.; 49 cases, each containing 24 1-pound packages, at Pittsburgh, Pa.; and 140 cases, each containing 24 1-pound packages, at Philadelphia, Pa.

**LABEL, IN PART:** "Redbow Brazil Nuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts in the Philadelphia and Pittsburgh lots and moldy and rancid nuts in the Hazleton lot; in addition, the Pittsburgh lot consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts and was otherwise unfit for food by reason of the presence of empty shells.

**DISPOSITION:** On November 23, 1948, no claimant having appeared for the Pittsburgh lot, judgment of condemnation and destruction was entered. On November 30 and December 9, 1948, Graham Co., Inc., claimant for the remaining lots, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed. The salvage operations resulted in the salvage of 4,653 pounds of nuts and the destruction of 222 pounds.

**14662. Adulteration of brazil nuts. U. S. v. 23 Bags \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 25983, 25984. Sample Nos. 196-K, 1611-K.)

**LIBELS FILED:** November 2, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 25, 1948, by William A. Camp Co., Inc., from New York, N. Y.

**PRODUCT:** 166 100-pound bags of brazil nuts at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed nuts.

**DISPOSITION:** December 10, 1948. William A. Camp Co., Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the fit portion be segregated and that the unfit portion be destroyed under the supervision of the Food and Drug Administration. Of the 15,850 pounds which were seized, 13,900 pounds were released as fit.

**14663. Adulteration of brazil nuts. U. S. v. 55 Bags \* \* \* (and 7 other seizure actions).** (F. D. C. Nos. 25926, 25938, 25939, 25986, 25993, 25994, 26043, 26081. Sample Nos. 198-K to 200-K, incl., 1414-K, 1417-K, 6160-K, 18652-K, 18656-K.)

**LIBELS FILED:** Between the approximate dates of November 4 and 26, 1948, Western District of Pennsylvania, Southern District of Ohio, Northern District of Georgia, and Western District of North Carolina.

**ALLEGED SHIPMENT:** Between the approximate dates of September 27 and October 14, 1948, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

**PRODUCT:** Pecans. 55 100-pound bags at Johnstown, Pa., 120 40-pound bags at Cincinnati, Ohio., 197 100-pound bags and 8 40-pound bags at Atlanta, Ga., and 126 100-pound bags at Charlotte, N. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed, moldy and rancid nuts, and, in addition, the Johnstown lot consisted in part of a filthy substance by reason of the presence of insect-infested nuts and was otherwise unfit for food by reason of the presence of empty shells.

**DISPOSITION:** December 10, 1948, and May 2, 1949. Wm. A. Higgins & Co., Inc., claimant for the Johnstown and Cincinnati lots, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation and salvage of the fit portion. Of the 12,960 pounds seized at Johnstown and Cincinnati, 10,410 pounds of good nuts were salvaged. On December 20, 1948, and January 6, 1949, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered delivered to various institutions for consumption by the inmates after elimination of the unfit nuts.

**14664. Adulteration of brazil nuts. U. S. v. 64 Bags \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 25862, 26358. Sample Nos. 1410-K, 43553-K.)

**LIBELS FILED:** October 18 and December 28, 1948, Western District of North Carolina and Eastern District of Kentucky.

**ALLEGED SHIPMENT:** On or about September 17 and 27, 1948, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

**PRODUCT:** Brazil nuts. 64 bags, each containing 100 pounds, at Charlotte, N. C., and 49 bags, each containing 40 pounds, at Lexington, Ky.

**LABEL, IN PART:** "Brazil Nuts Holly Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed and rancid nuts.

**DISPOSITION:** November 23, 1948, and February 10, 1949. Default decrees of condemnation. The product was ordered delivered to charitable institutions, conditioned that the nuts be cracked and that the unfit be destroyed.

**14665. Adulteration of brazil nuts. U. S. v. 100 Bags \* \* \*. (F. D. C. No. 26187. Sample No. 18660-K.)**

**LIBEL FILED:** November 29, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 20, 1948, by Wm. A. Higgins & Co., from New York, N. Y.



**PRODUCT:** 100 100-pound bags of brazil nuts at Cincinnati, Ohio.

**LABEL, IN PART:** "Holly Brazil Nuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed nuts, and was otherwise unfit for food by reason of the presence of empty shells.

**DISPOSITION:** December 10, 1948. Wm. A. Higgins & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be segregated from the unfit portion, under the supervision of the Food and Drug Administration. Of the 9,000 pounds seized, 7,357 pounds were salvaged.

**14666. Adulteration of brazil nuts. U. S. v. 18 Bags' \* \* \*. (F. D. C. No. 26010. Sample No. 1703-K.)**

**LIBEL FILED:** On or about November 19, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 28, 1948, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

**PRODUCT:** 18 100-pound bags of brazil nuts at Atlanta, Ga.

**LABEL, IN PART:** "Holly New Crop Large Medium Brazil Nuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed brazil nuts.

**DISPOSITION:** December 20, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution for its use, after the segregation of the good portion from the bad.

**14667. Adulteration of cashews and filberts. U. S. v. 2 Cases, etc. (F. D. C. No. 26504. Sample Nos. 31495-K, 31496-K.)**

**LIBEL FILED:** February 21, 1949, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 12, 1949, by the Granton Nut Co., from Los Angeles, Calif.

**PRODUCT:** 2 25-pound cases of cashews and 4 25-pound cases of filberts at Oak Park, Ill.

**LABEL, IN PART:** "Granton's Sliced Cashew [or "Granulated Filberts"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects and insect fragments.

**DISPOSITION:** June 14, 1949. Default decree of condemnation and destruction.

**14668. Adulteration of filberts. U. S. v. 1 Container, etc. (F. D. C. No. 26625. Sample No. 40184-K.)**

**LIBEL FILED:** February 25, 1949, District of Maryland.

**ALLEGED SHIPMENT:** On or about January 7, 1949, by Wm. A. Camp Co., Inc., from New York, N. Y.

**PRODUCT:** 1 100-pound metal container and 1 50-pound bag of filberts at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-

infested nuts, and of a decomposed substance by reason of the presence of rancid, moldy, and otherwise decomposed nuts.

DISPOSITION: April 4, 1949. Default decree of condemnation and destruction.

**14669. Adulteration of peanuts. U. S. v. 59 Bags, etc. (and 2 other seizure actions).** (F. D. C. No. 25757. Sample Nos. 15424-K, 15426-K, 15427-K.)

LIBELS FILED: September 15, 1948, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about April 14 and 16 and June 25, 1948, from Severn and Roxobel, N. C., and Suffolk, Va.

PRODUCT: 537 110-pound bags of peanuts in the possession of Miller Food Products, Inc., Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 12, 1949. Miller Food Products, Inc., Detroit, Mich., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for the segregation and the denaturing of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations resulted in the salvage of 49,000 pounds of good peanuts and the denaturing of 6,608 pounds.

**14670. Adulteration of peanuts. U. S. v. 23 Bags \* \* \*. (F. D. C. No. 26571. Sample No. 44723-K.)**

LIBEL FILED: February 25, 1949, District of North Dakota.

ALLEGED SHIPMENT: On or about October 17, 1945, from Marianna, Fla.

PRODUCT: 23 120-pound bags of peanuts at Grand Forks, N. Dak., in possession of the Congress Candy & Distributing Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 7, 1949. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**14671. Adulteration of Spanish peanuts. U. S. v. 168 Bags \* \* \*. (F. D. C. No. 25875. Sample No. 32561-K.)**

LIBEL FILED: October 28, 1948, Northern District of California.

ALLEGED SHIPMENT: On or about May 20, 1948, from Houston, Tex.

PRODUCT: 168 100-pound bags of Spanish peanuts at Oakland, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 10, 1948. The Chiodo Candy Co., Oakland, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was



entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The nuts were vacuum cleaned and screened a number of times to remove all infested nuts and webbing. A total of 150 pounds of nuts were found unfit and were disposed of for animal feed.

**14672. Adulteration of pecans. U. S. v. 281 Cases \* \* \* (and 6 other seizure actions).** (F. D. C. Nos. 25904, 25910, 25936, 25937, 25952, 26180, 26195. Sample Nos. 29623-K, 32564-K, 33293-K, 37744-K, 40562-K, 40563-K, 48994-K.)

**LIBELS FILED:** Between November 4 and December 23, 1948, Northern and Southern Districts of California, District of Oregon, and District of Colorado.

**ALLEGED SHIPMENT:** On or about August 26, 30, and 31, 1948, by the R. E. Funsten Co., from Albany, Ga.

**PRODUCT:** Pecans. 281 cases at San Francisco, Calif., 57 cases at Fresno, Calif., 14 cases at Portland, Oreg., 691 cases at Denver, Colo., and 85 cases and 86 1-pound packages at Spokane, Wash. Each case contained 24 1-pound packages.

**LABEL, IN PART:** "Funsten's Large Blend Paper Shell Pecans."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy pecans.

**DISPOSITION:** November 30 and December 7 and 9, 1948, and January 1, 1949. The R. E. Funsten Co. having appeared as claimant for the San Francisco, Fresno, and Denver lots and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Salvaging operations were unsuccessful, and the product was ultimately destroyed. On January 12 and 20, 1949, default decrees of condemnation were entered in the other cases, and the product was ordered destroyed.

**14673. Adulteration of pecans. U. S. v. 10 Cartons \* \* \*. (F. D. C. No. 26368. Sample No. 1082-K.)**

**LIBEL FILED:** On or about January 10, 1949, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about November 17, 1948, by the R. E. Funsten Co., from St. Louis, Mo.

**PRODUCT:** 10 30-pound cartons of pecan pieces at Tampa, Fla.

**LABEL, IN PART:** (Carton) "Funsten's Select Small Pecan Pieces."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insect fragments, and *Escherichia coli*; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 8, 1949. Default decree of condemnation and destruction.

**14674. Adulteration of pecans. U. S. v. 7 Cartons, etc. (F. D. C. No. 26561. Sample Nos. 7713-K, 7714-K.)**

**LIBEL FILED:** February 24, 1949, Western District of New York.

**ALLEGED SHIPMENT:** On or about January 23 and 28, 1946, from Indianapolis, Ind., and Valdosta, Ga.

PRODUCT: 7 25-pound cartons and 5 30-pound cartons of pecans at Rochester, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and was otherwise unfit for food because of discoloration and rancidity. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 30, 1949. Default decree of condemnation and destruction.

**14675. Adulteration of pine nuts. U. S. v. 60 Bags \* \* \*. (F. D. C. No. 26494. Sample No. 30765-K.)**

LIBEL FILED: February 2, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about December 6, 1948, by K & S Traders, Inc., from Gallup, N. Mex.

PRODUCT: 60 100-pound bags of pine nuts at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rabbit and squirrel excreta pellets and stones.

DISPOSITION: February 23, 1949. The Los Angeles Nut House, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned and brought into compliance with the law, under the supervision of the Federal Security Agency. The nuts were run through a "destoner" and "blower" and finally hand-picked in order to remove all filth.

**14676. Adulteration of pinon nuts. U. S. v. 46 Bags \* \* \*. (F. D. C. No. 26511. Sample No. 28074-K.)**

LIBEL FILED: February 15, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about December 9, 1948, by A. V. Tietjen, from Gallup, N. Mex.

PRODUCT: 46 90-pound bags of pinion nuts at Trinidad, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rabbit excreta, squirrel excreta, and stones.

DISPOSITION: April 21, 1949. Joe Sawaya & Sons, Trinidad, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and brought into compliance with the law, under the supervision of the Federal Security Agency.

**14677. Adulteration and misbranding of peanut butter and peanut butter kisses. U. S. v. 6 Cartons \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 26556, 26601, 26602, 26616. Sample Nos. 10836-K, 10931-K, 11429-K to 11431-K, incl.)**

LIBELS FILED: February 17, 23, and 28, 1949, Northern and Southern Districts of New York.

ALLEGED SHIPMENT: On or about November 30 and December 7, 1948, and January 27 and 31, 1949, by the British American Toffee Co., from New Haven, Conn.



**PRODUCT:** 13 cartons, each containing 24 jars, of peanut butter at Syracuse and Poughkeepsie, N. Y., and 32 cartons, each containing 24 bags, of peanut butter kisses at Middletown, Poughkeepsie, and New York, N. Y.

**LABEL, IN PART:** "Pickwick Peanut Butter Net Weight 10 Oz." and "Penolia Peanut Butter Kisses Net Wt. 14 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), a portion of the peanut butter failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

**DISPOSITION:** March 16, 19, and 26, 1949. Default decrees of condemnation. A portion of the peanut butter kisses was ordered delivered to the Food and Drug Administration, and the remainder of this product and all of the peanut butter was ordered destroyed.

**14678. Adulteration of pecan meal. U. S. v. 28 Cartons \* \* \*. (F. D. C. No. 25140. Sample No. 8613-K.)**

**LIBEL FILED:** July 28, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about January 7 and February 7, 1946, from Columbus, Ga.

**PRODUCT:** 28 50-pound cartons of pecan meal at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its distasteful, bitter flavor, rendering it unpalatable. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 18, 1948. Default decree of condemnation and destruction.

## OILS AND FATS

**14679. Adulteration and misbranding of oil. U. S. v. Stephen G. Piacitelli (Unita Packing Co.). Plea of guilty. Fine of \$750 on count 1; sentence of 3 months' imprisonment and fine of \$500 on count 2 suspended. Defendant placed on probation for 2 years. (F. D. C. No. 26304. Sample No. 4516-K.)**

**INFORMATION FILED:** January 12, 1949, District of Rhode Island, against Stephen G. Piacitelli, trading as the Unita Packing Co., Providence, R. I.

**ALLEGED SHIPMENT:** On or about November 4, 1947, from the State of Rhode Island into the State of Connecticut.

**LABEL, IN PART:** "Net Contents 1 Gallon Cream Oil Packed by Unita Packing Co. Providence, (R. I.) Corn and Olive Oil."

**NATURE OF CHARGE:** Count 1. Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted from the product; and, Section 402 (b) (2), a substance consisting essentially of cottonseed oil had been substituted for a mixture of corn oil and olive oil, which the product was represented to be.

Count 2. Misbranding, Section 403 (a), the label statement "Corn and Olive Oil" was false and misleading since the article did not consist of corn

and olive oil, but did consist essentially of cottonseed oil and contained little or no olive oil.

**DISPOSITION:** February 7, 1949. A plea of guilty having been entered, the defendant was fined \$750 on count 1, and was fined \$500 and sentenced to imprisonment for 3 months on count 2. The prison sentence and fine on count 2 were suspended, and the defendant was placed on probation for 2 years.

**14680. Adulteration and misbranding of oil. U. S. v. 11 Cans \* \* \* (and 7 other seizure actions).** (F. D. C. Nos. 24924, 24926 to 24928, incl., 24931, 24932, 24944, 24945. Sample Nos. 8134-K, 8140-K, 8142-K, 9849-K, 9850-K, 9896-K, 9898-K, 9899-K.)

**LIBELS FILED:** June 30 and July 2 and 6, 1948, District of Connecticut and District of New Jersey.

**ALLEGED SHIPMENT:** On or about April 5, 16, 19, and 26, 1948, by the Bella Donna Packing Co., from Brooklyn, N. Y.

**PRODUCT:** 319 1-gallon cans of oil at Torrington, New Britain, and Winsted, Conn., and Hackensack, West New York, and Paterson, N. J.

**LABEL, IN PART:** "Rinaldi Brand 80% Peanut Oil 20% Pure Olive Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted from the article; and, Section 402 (b) (4), artificial flavoring had been added to the article and mixed and packed therewith so as to make it appear to be, or to contain substantial amounts of, olive oil, which is better and of greater value than peanut oil.

Misbranding, Section 403 (a), the label statements "Pure Olive Oil" and "20% Pure Olive Oil" were false and misleading as applied to an article containing little, if any, olive oil. (Analysis showed that the article was an artificially flavored peanut oil containing little, if any, olive oil.)

**DISPOSITION:** October 18 and November 29, 1948, and January 31, 1949. Default decrees of condemnation. The Connecticut lots were ordered delivered to charitable organizations. With the exception of 1 can which was ordered delivered to the Food and Drug Administration, the New Jersey lots were ordered delivered to charitable organizations, or destroyed in the event that the oil was found unfit for human consumption.

**14681. Adulteration and misbranding of oil. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 24129. Sample No. 18215-K.)**

**LIBEL FILED:** November 24, 1947, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 20, 1947, by L. DaVia & Sons, from Pittsburgh, Pa.

**PRODUCT:** 25 cases, each containing 6 1-gallon cans, of oil at Cleveland, Ohio.

**LABEL, IN PART:** (Can, main panels) "One Gallon Fortebraccio Brand A Pure Blend of 80% Cotton Seed Oil, Corn Oil and 20% Olive Oil Keystone Grocery Distributing Co. of Pittsburgh, Inc. Pittsburgh, Pa."; (side panels) "Fortebraccio Brand E' Prodotto Dalla Migliore Qualita' D'Olio."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an artificially flavored mixture of cottonseed and corn oils, with very little, if any, olive oil had been substituted for 80 percent cottonseed oil, corn oil, and 20 percent olive oil; and, Section 402 (b) (4), artificial flavoring had been added thereto so as to make it appear to contain olive oil.



Misbranding, Section 403 (a), the label statement "A Pure Blend of 80% Cotton Seed Oil, Corn Oil and 20% Olive Oil" was false and misleading as applied to an artificially flavored mixture of cottonseed and corn oils with very little, if any, olive oil; and, Section 403 (f), an accurate statement of the quantity of the contents and the common or usual name of each ingredient did not appear on the label in the Italian language.

DISPOSITION: February 12, 1948. Ernest DiSanto, trading as the Central Wholesale Grocery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

## SPICES, FLAVORS, AND SEASONING MATERIALS

14682. Adulteration of ajowan seed. U. S. v. 56 Bags \* \* \*. (F. D. C. No. 26153. Sample No. 56083-K.)

LIBEL FILED: December 27, 1948, Southern District of New York.

ALLEGED SHIPMENT: From a foreign country.

PRODUCT: 56 100-pound bags of ajowan seed at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 19, 1949. Default decree of condemnation and destruction.

14683. Adulteration of fennel seed. U. S. v. 2 Bags \* \* \*. (F. D. C. No. 27044. Sample No. 45798-K.)

LIBEL FILED: April 12, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 9, 1949, by the Kearns & Smith Spice Co., from Chicago, Ill.

PRODUCT: 2 100-pound bags of fennel seed at St. Louis, Mo.

LABEL, IN PART: "Whole Fennel 100."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets.

DISPOSITION: May 5, 1949. Default decree of condemnation and destruction.

14684. Adulteration and misbranding of beet radish and horseradish. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 26607. Sample No. 56097-K.)

LIBEL FILED: February 17, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 21, 1948, by the Nonpareil Pickle Works, from Jersey City, N. J.

PRODUCT: 25 cases, each containing 24 6-ounce jars, of beet radish and horseradish at Brooklyn, N. Y.

LABEL, IN PART: "Eureka Brand Prepared Beet [or "Horse"] Radish."

NATURE OF CHARGE: Horseradish. Adulteration, Section 402 (b) (2), a mixture of horseradish with nonfat dry milk solids with artificial flavor had been substituted in whole or in part for horseradish; and, Section 402 (b) (4), artificial

flavor had been added to the article or mixed or packed with it so as to make it appear better or of greater value than it was.

Beet radish. Adulteration, Section 402 (b) (1), a valuable constituent, beets, had been in whole or in part omitted; and, Section 402 (b) (4), artificial color and flavor had been added to the article or mixed or packed with it so as to make it appear better or of greater value than it was. Misbranding, Section 403 (a), the name "Beet Radish" was false and misleading since the article consisted of horseradish with a small amount of beets and artificial color and flavor; and, Section 403 (k), the product contained artificial flavor and color, and it failed to bear a label stating that fact.

DISPOSITION: March 22, 1949. Default decree of condemnation and destruction.

**14685. Adulteration of horseradish and adulteration and misbranding of beet radish. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 26420. Sample No. 11078-K.)**

LIBEL FILED: January 20, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 17, 1948, by the Nonpareil Pickle Works, from Jersey City, N. J.

PRODUCT: 25 cases, each containing 24 jars, of horseradish and beet radish at Brooklyn, N. Y.

LABEL, IN PART: "Eureka Brand Prepared Beet [or "Horse"] Radish."

NATURE OF CHARGE: Horseradish. Adulteration, Section 402 (b) (2), a mixture of horseradish with nonfat dry milk solids with artificial flavor had been substituted in whole or in part for horseradish; and, Section 402 (b) (4), artificial flavor had been added to the article and mixed and packed with it so as to make it appear better or of greater value than it was.

Beet radish. Adulteration, Section 402 (b) (1), a valuable constituent, beets, had been in whole or in part omitted; and, Section 402 (b) (4), artificial color and flavor had been added to the article or mixed or packed with it so as to make it appear better or of greater value than it was. Misbranding, Section 403 (a), the name "Beet Radish" was false and misleading as applied to an article consisting of horseradish with nonfat dry milk solids and artificial color and flavor; and, Section 403 (k), the product contained artificial flavor and color and failed to bear a label stating that fact.

DISPOSITION: March 22, 1949. Default decree of condemnation and destruction.

**14686. Adulteration and misbranding of horseradish. U. S. v. 21 Jars \* \* \*. (F. D. C. No. 26419. Sample No. 10922-K.)**

LIBEL FILED: January 20, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 8, 1948, by the Nonpareil Pickle Works, from Jersey City, N. J.

PRODUCT: 21 1-gallon jars of horseradish at Brooklyn, N. Y.

LABEL, IN PART: "Nonpareil Brand Prepared Horse Radish."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, horseradish, had been in whole or in part omitted; Section 402 (b) (2), a mixture of ground parsnips with nonfat dry milk solids had been substituted in whole or in part for horseradish; and, Section 402 (b) (4), artificial flavor had been added to the product or mixed or packed with it so as to make it appear better or of greater value than it was.



Misbranding, Section 403 (a), the name "Horse Radish" was false and misleading since the product consisted of parsnips with nonfat dry milk solids and artificial flavor.

DISPOSITION: March 22, 1949. Default decree of condemnation and destruction.

**14687. Adulteration of paprika. U. S. v. 27 Bags \* \* \*. (F. D. C. No. 26612. Sample No. 56096-K.)**

**LIBEL FILED:** February 21, 1949, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about April 4, 1946, from Chile.

**PRODUCT:** 27 115-pound bags of paprika at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 22, 1949. Default decree of condemnation and destruction.

**14688. Adulteration of poppy seed. U. S. v. 23 Bags \* \* \*. (F. D. C. No. 25894. Sample No. 32397-K.)**

**LIBEL FILED:** November 1, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about May 7, 1948, from Rotterdam, Holland.

**PRODUCT:** 23 109-pound bags of poppy seed at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 2, 1948. D. Hecht & Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be segregated and brought into compliance with the law, under the supervision of the Federal Security Agency. All of the contaminated poppy seed was segregated and destroyed, and the remainder was washed and rebagged in clean bags.

**14689. Adulteration and misbranding of vanilla. U. S. v. 3 Cases \* \* \*. (F. D. C. No. 26229. Sample No. 7890-K.)**

**LIBEL FILED:** January 7, 1949, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 3, 1948, by Parker Vanilla Products, from Baltimore, Md.

**PRODUCT:** 3 cases, each containing 6 1-gallon jugs, of vanilla at Pittsburgh, Pa.

**LABEL, IN PART:** "Pure Vanilla Double Strength plus 5 ozs. Vanillin Per Gal."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vanilla extract, had been in part omitted from the product; and, Section 402 (b) (2), a dilute solution of artificial vanillin in alcohol and propylene glycol had been substituted for the product.

Misbranding, Section 403 (a), the label statement "Pure Vanilla Double Strength plus 5 ozs. Vanillin Per Gallon" was false and misleading; Section 403 (c), the product was an imitation of another food, vanilla extract, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; Sec-

tion 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient since propylene glycol was not declared; and, Section 403 (k), it contained artificial flavoring and failed to bear labeling stating that fact.

**DISPOSITION:** February 7, 1949. L. L. Parker, trading as Parker Vanilla Products, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE\*

**14690. Adulteration and misbranding of Sa-Vi-Ade. U. S. v. S. & R. Laboratories, Inc., and Edward P. Thielen. Pleas of guilty. Fine of \$700 and costs against defendants jointly. (F. D. C. No. 25583. Sample Nos. 6265-K, 6313-K.)**

**INFORMATION FILED:** December 17, 1948, Northern District of Illinois, against S. & R. Laboratories, Inc., Chicago, Ill., and Edward P. Thielen, secretary-treasurer of the corporation.

**ALLEGED SHIPMENT:** On or about January 9 and 30, 1948, from the State of Illinois into the State of Pennsylvania.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin A, vitamin B<sub>1</sub>, vitamin B<sub>2</sub>, vitamin C, niacin, calcium, and phosphorus, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each ½ oz. Sa-Vi-Ade contains \* \* \* Percentage of Daily Requirement A \* \* \* 2000 U. S. P. Units \* \* \* 50% B<sub>1</sub> 333 U. S. P. Units (Thiamin) \* \* \* 100% B<sub>2</sub> (G) 1 Milligram (Riboflavin) \* \* \* 50% C 15 Milligrams (Ascorbic Acid) \* \* \* 50% \* \* \* Plus the following vitamins \* \* \* Niacin 5 Milligrams \* \* \* Calcium 375 Milligrams \* \* \* 50% Phosphorus 375 Milligrams \* \* \* 50%" was false and misleading. One-half ounce of the article contained less than the aforementioned amounts of vitamins and minerals, and one-half ounce of the article would supply less than the aforementioned percentages of the minimum daily adult requirement for such vitamins and minerals.

**DISPOSITION:** March 8, 1949. Pleas of guilty having been entered, the court imposed a fine of \$700 and costs against the defendants jointly.

**14691. Adulteration and misbranding of vitamin tablets. U. S. v. 2 Drums \* \* \*. (F. D. C. No. 26146. Sample No. 24767-K.)**

**LIBEL FILED:** December 21, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about October 4, 1948, by the Keith-Victor Pharmacal Co., from St. Louis, Mo.

**PRODUCT:** 2 drums each containing 47,700 vitamin tablets at St. Paul, Minn.

**LABEL, IN PART:** "Sugar Coated Red Hematinic Oval Tablets."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted from the article.

Misbranding, Section 403 (a), the following label statements were false and misleading as applied to the product, which contained less than the stated

\* See also Nos. 14502, 14538.



amount of vitamin B<sub>1</sub> and which did not supply the stated percentage of the minimum daily requirement for vitamin B<sub>1</sub>: "Each Tablet Contains: Vitamin B<sub>1</sub> Thiamine Hydrochloride, 1.0 Mg. 100%" and "Each tablet supplies percents of the daily minimum adult requirement of the listed Vitamins \* \* \* indicated the heading %."

**DISPOSITION:** February 16, 1949. The Goodrich-Gamble Co., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

**14692. Adulteration and misbranding of Meltoway tablets. U. S. v. 732 Bottles, etc. (F. D. C. No. 25632. Sample Nos. 7664-K, 7665-K.)**

**LIBEL FILED:** September 13, 1948, Western District of New York.

**ALLEGED SHIPMENT:** On or about January 9 and July 1, 1948, by Bates Laboratories, from Chicago, Ill.

**PRODUCT:** 732 labeled bottles and 576 unlabeled bottles each containing 126 tablets, and 395 labeled bottles and 1,913 unlabeled bottles each containing 63 tablets at Buffalo, N. Y. Each bottle of the product contained a mixture of brown and yellow tablets. Examination showed that the yellow tablets were deficient in vitamin D. The tablets were shipped in labeled drums.

**LABEL, IN PART:** (Drums) "Meltoway Yellow Tablets \* \* \* Vitamin D 140 U. S. P. Units"; (labeled bottles) "Meltoway A Dietary Supplement \* \* \* Each Yellow Tablet Contains \* \* \* Vitamin D \* \* \* 140 U. S. P. Units."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Each Yellow Tablet Contains \* \* \* Vitamin D \* \* \* 140 U. S. P. Units" was false and misleading as applied to an article containing in each yellow tablet less than 140 U. S. P. units of vitamin D.

**DISPOSITION:** December 31, 1948. The Curjohn Corp., Buffalo, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the adulterated and misbranded portion be destroyed. Subsequently, the claimant abandoned the idea of sorting the tablets and destroyed the entire shipment, under the supervision of the Federal Security Agency.

**14693. Adulteration and misbranding of Salicyline No. 2 tablets. U. S. v. 47 Bottles \* \* \*. (F. D. C. No. 26676. Sample No. 23973-K.)**

**LIBEL FILED:** March 2, 1949, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about January 20, 1949, by the C. B. Kendall Co., Indianapolis, Ind.

**PRODUCT:** 47 bottles of Salicyline No. 2 at New Orleans, La.

**LABEL, IN PART:** "100 Tablets Salicyline No. 2 \* \* \* Each Tablet Contains \* \* \* Vitamin D 5000 Units."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in whole or in part omitted. (Analysis showed that the product was approximately 50 percent deficient in vitamin D.)

Misbranding, Section 403 (a), the label statement "Each Tablet Contains \* \* \* Vitamin D 5000 Units" was false and misleading as applied to an article containing less than the stated amount.

DISPOSITION: March 24, 1949. Default decree of condemnation and destruction.

14694. Misbranding of Quick Wheat. U. S. v. 430 Cases \* \* \*. (F. D. C. No. 25552. Sample No. 40729-K.)

LABEL FILED: September 9, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about July 15 and 22, 1948, by the Albers Milling Co., from Oakland, Calif.

PRODUCT: 430 cases, each containing 12 2½-pound packages, of Quick Wheat at Seattle, Wash. Examination showed that the article was 13 percent deficient in vitamin B<sub>1</sub>.

LABEL, IN PART: "Carnation Quick Wheat \* \* \* with added Vitamin B<sub>1</sub>."

NATURE OF CHARGE: Misbranding, Section 403 (a), the following statements on the label of the article were false and misleading since the article did not contain 50 percent more vitamin B<sub>1</sub> than the whole grain from which it was made and because supplies of the vitamins and minerals mentioned would not assure the conditions outlined: "added Vitamin B<sub>1</sub> \* \* \* and is especially healthful because it contains 50% more Vitamin B<sub>1</sub> than the whole grain from which it is made. This important vitamin is essential to healthy nerves, good appetite, and steady growth \* \* \* and the minerals, iron and phosphorus, are the minerals which help make good red blood associated with physical well-being. \* \* \* An average serving of Carnation Quick Wheat (one ounce) containing approximately 68 U. S. P. units of Vitamin B<sub>1</sub> supplies approximately the following proportions of the minimum daily requirements for Vitamin B<sub>1</sub>: infant ⅔; child less than six years old ⅔; child six or more years old ¼; adult ⅕."

DISPOSITION: September 22, 1948. The Albers Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

## MISCELLANEOUS FOODS

14695. Misbranding of chicken ravioli. U. S. v. 24 Cases \* \* \*. (F. D. C. No. 26550. Sample No. 32577-K.)

LABEL FILED: February 17, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about December 20, 1948, by the Workman Packing Co., from San Francisco, Calif.

PRODUCT: 24 cases, each containing 24 cans, of chicken ravioli at Rochester, N. Y.

LABEL, IN PART: "Net Weight 15 Oz. Chicken Ravioli."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 15 ounces, the declared weight.)

DISPOSITION: March 16, 1949. Default decree of condemnation and destruction.

14696. Adulteration of Miso. U. S. v. 111 Packages, etc. (F. D. C. No. 24434. Sample No. 30829-K.)

LABEL FILED: February 5, 1948, Southern District of California.



**ALLEGED SHIPMENT:** On or about December 8, 1947, and January 5, 1948, by Fujimoto & Co., from Salt Lake City, Utah.

**PRODUCT:** 111 2-pound packages and 19 5-pound packages of Miso at Los Angeles, Calif.

**LABEL, IN PART:** "Miso prepared with Rice, Soy Beans and Salt  $\frac{1}{10}$  of 1 percent Benzoate of Soda."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and beetles and beetle fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 24, 1948. Default decree of condemnation and destruction.

**14697. Adulteration of Numete (meat substitute). U. S. v. 50 Cases \* \* \*.**  
(F. D. C. No. 26369. Sample No. 3162-K.)

**LIBEL FILED:** December 29, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about October 15, 1948, by Worthington Foods, Inc., from Worthington, Ohio.

**PRODUCT:** 50 cases, each containing 24 cans, of Numete (meat substitute) at Hyattsville, Md.

**LABEL, IN PART:** (Can) "Quick-Thrifty-Nutritious Numete Contents 1 Lb. 3 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 8, 1949. Default decree of condemnation and destruction.

**14698. Adulteration of Absorbex C and Absorbex M. U. S. v. 4 Barrels, etc.**  
(F. D. C. No. 22647. Sample Nos. 41325-H, 41326-H.)

**LIBEL FILED:** On or about March 31, 1947, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about September 24 and November 27, 1946, by the Tubbs Co., from Prescott, Wis.

**PRODUCT:** 4 300-pound barrels of Absorbex C and 9 300-pound barrels of Absorbex M at Smithton, Mo. The products were used for neutralizing cream in the manufacture of dairy products for human consumption.

**LABEL, IN PART:** "Absorbex C" and "Absorbex M For Whole Milk, Skimmed Milk, Buttermilk and Whey for Human Consumption."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, a boron compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could be avoided by good manufacturing practice.

**DISPOSITION:** April 24, 1947. The Tubbs Co., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The products were reprocessed for use as washing powder.

14699. Adulteration of Lactalbumin. U. S. v. 1 Drum, etc. (F. D. C. No. 26639. Sample No. 10933-K.)

**LIBEL FILED:** March 10, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 8, 1949, by the National Milk Sugar Co., Div. of Borden's, from Boscobel, Wis.

**PRODUCT:** 1 125-pound drum and 1 30-pound drum of Lactalbumin at Mount Vernon, N. Y.

**LABEL, IN PART:** "Labco Brand Lactalbumin."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts.

**DISPOSITION:** March 31, 1949. Default decree of condemnation and destruction.

14700. Adulteration of beet coloring. U. S. v. 6 Jars \* \* \*. (F. D. C. No. 26424. Sample No. 10921-K.)

**LIBEL FILED:** January 21, 1949, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 2, 1948, by the R & S Pickle Works, from Boston, Mass.

**PRODUCT:** 6 1-gallon jars of beet coloring at Jersey City, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (c), the article was a coal-tar color other than one from a batch that had been certified in accordance with the regulations.

**DISPOSITION:** March 15, 1949. A default decree was entered ordering that one jar of the product be delivered to the Food and Drug Administration for experimental and enforcement purposes and that the remainder of the product be destroyed.

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<sup>1</sup> (14581) Prosecution contested. Contains opinion of the court.

<sup>2</sup> (14659) Prosecution contested.



	N. J. No.		N. J. No.
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## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

A. G. S. T. P. Co.:	N. J. No.	Acushnet Fish Co.:	N. J. No.
Balconico cheese_____	14585	frozen scallops_____	14606

<sup>1</sup> (14581) Prosecution contested. Contains opinion of the court.<sup>2</sup> (14659) Prosecution contested.<sup>3</sup> (14595) Suits for forfeiture of bonds. Contains opinion of the court.<sup>4</sup> (14597) Seizure contested. Contains findings of fact and conclusions of law.

	N. J. No.		N. J. No.
Adams Apple Products Corp.:		British American Toffee Co.:	
tomato juice-----	14503	peanut butter and peanut butter kisses-----	14677
Addison Packing Co.:		Camp, Wm. A., Co., Inc.:	
canned sardines-----	<sup>3</sup> 14595	nuts, brazil-----	14660, 14662
Albers Milling Co.:		filberts-----	14668
Quick Wheat-----	14694	mixed-----	14660
Alma Canning Co.:		Capital City Candy Co.:	
canned mustard greens-----	14631	candy-----	14542
American Mint Corp.:		Cardella, V.:	
candy-----	14547	frozen scallops-----	14607
American Warehouse Co.:		Carol Dryden & Co.:	
sugar-----	14553	oysters-----	14605
Armour & Co.:		Carr-Consolidated Biscuit Co.:	
butter-----	14560	cookies-----	14512
Armour Creameries:		Chamberlain Canning Co.:	
butter-----	14564	canned tomatoes-----	14641
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Athens Canning Co.:		Christ-Diehl Brewing Co., Inc.:	
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Atkinson Coop. Creamery:		Coburn Farm Products Corp.:	
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Atlantic Preserving Co., Inc.:		Colonial Mfg. Co.:	
peach preserves-----	14623	apple butter-----	14622
Banner Trulove Co.:		Congress Candy & Distributing Co.:	
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Bates Laboratories:		Crescent Macaroni & Cracker Co.:	
Meltoway tablets-----	14692	macaroni and noodle products-----	14532
Beatrice Creamery Co.:		Creston Candy Corp.:	
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Beatrice Foods Co.:		Crystal Ice & Cold Storage Co.:	
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Bell, Mrs., Preserving Co.:		Crystal Springs Canning Co.:	
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Bella Donna Packing Co.:		DaVia, L., & Sons:	
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Bennett-Ray Canning Co.:		Dearmin & Co.:	
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Berger Creamery Co.:		De Graff Food Co.:	
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Big Maple Food Products:		De Graff Packing Co.:	
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Blackfoot Creamery:		Dinkins, Claude:	
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Blaney Bakeries, Inc.:		Dixie Canning Co., Inc.:	
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Bodnar, Mat:		Dixie Cream Flour Co.:	
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Borden's:		corn meal-----	14518, 14519
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Break O'Day Co-Operative Canning Co.:		canned peas-----	14636
canned tomatoes-----	14643	Eldridge, L. S., & Son:	
Breakstone Bros., Inc.:		frozen scallops-----	14607
butter-----	14574	Elkhart Lake Canning Co.:	
Brentwood Egg Co.:		canned peas-----	14637
frozen whole eggs-----	14588		
Bridgewater Creamery Co.:			
butter-----	14558		

<sup>3</sup> (14595) Suits for forfeiture of bonds. Contains opinion of the court.



	N. J. No.		N. J. No.
El Reno Poultry & Egg Co.:		Heimbach Baking Corp.:	
butter-----	14568	bakery products-----	14510
Emerson, R. W.:		Higgins, Wm. A., & Co., Inc.:	
frozen Concord grapes-----	14619	brazil nuts-----	14663-14666
Escalon Packers, Inc.:		Hijos, J. A. M. E.:	
tomato puree-----	14652	Balconico cheese-----	14585
Evans, W. G.:		Holsum Baking Co.:	
crab meat-----	14602	cake flour-----	14528
Fairmont Creamery Co.:		Howell Bakers Supply Co.:	
butter-----	14563	dried apples-----	14616
Farmers Produce Co.:		Hunt Foods, Inc.:	
frozen whole eggs-----	14589	canned fruit cocktail-----	14615
Farmers' Rice Growers Co-		Hunter, Walton & Co.:	
operative:		butter-----	14575
rice-----	14536	Hygrade Bakery Co.:	
broken-----	14537	pretzels-----	14515
Fettig Canning Corp.:		Independent Dairy Co.:	
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Fife, S. M.:		Intermountain Food Co., Inc.:	
canned corn-----	14630	canned apples-----	14610, 14611
Finley Creamery Co.:		Irvington Fish & Oyster Co., Inc.:	
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Fisher, Lester:		Jackson, R. L.:	
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Inc.:		flour-----	14523
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Foster Citrus Concentrates, Inc.:		butter-----	14572
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Gibbs & Co., Inc.:		fennel seed-----	14683
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Granton Nut Co.:		frozen tullibeas-----	<sup>4</sup> 14597
cashews and filberts-----	14667	Keystone Grocery Distributing	
Gulf Frozen Shrimp Co., Inc.:		Co. of Pittsburgh, Inc.:	
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Hanneken Dairy Co.:		Kramer, J. R., Inc.:	
butter-----	14562	butter-----	14573
Happyvale Flour Mills:		Kyle Creamery:	
corn meal-----	14517	butter-----	14565
Harbor Cove Fisheries, Inc.:		Lake Como Coop. Cheese Factory:	
frozen fish-----	14591	Cheddar cheese-----	14583
Harp Foods Manufacturing, Inc.:		Lakeview Milling Co.:	
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Hartley Creamery:		flour-----	14527
butter-----	14575		

<sup>2</sup> (14659) Prosecution contested.<sup>4</sup> (14597) Seizure contested. Contains findings of fact and conclusions of law.

	N. J. No.		N. J. No.
Land O'Lakes Creameries, Inc.:		Pearson Candy Co.:	
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Langford & Taylor:		Pennsylvania Butter Pretzel Co.:	
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Libby, McNeill & Libby:		Pennsylvania Pretzel Corp.:	
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kins, Claude.		canned turnip greens -----	14633
Marketing Assoc. of America:		Piacitelli, S. G.:	
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Maurer, John C., & Sons:		Pickaway Dairy Cooperative	
celery -----	14626	Assoc., Inc.:	
Merchants Creamery Co.:		butter and cheese -----	14555
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Merchants Ice & Cold Storage		butter -----	14561
Co.:		Pilley, Frank, & Sons, Inc.:	
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Metompkin Bay Oyster Co.:		Pitt Chocolate Co.:	
crab meat -----	14603	candy -----	14545
Meyer Canning Co.:		Pond Village Cold Storage Co.:	
canned tomatoes -----	14642	frozen whiting -----	14600
Middlesboro Wholesale Grocery		Portland Ice & Cold Storage Co.:	
Co.:		frozen whole eggs -----	14588
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Miller, M. W., & Co.:		enriched flour -----	14530
frozen strawberries -----	14621	Potosi Brewing Co.:	
Miller Food Products, Inc.:		corn sugar -----	14554
peanuts -----	14669	Quaker Oats Co.:	
Minnesota Cheese Producers As-		corn meal -----	14520
soc. of Pine Island, Minn.:		Quality Macaroni Co.:	
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Morgan Packing Co.:		R & S Pickle Works:	
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juice -----	14504	butter -----	14567
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National Milk Sugar Co., Div. of		tomato sauce -----	14656
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Nevada Feed & Livestock:		Regent Canfood Co.:	
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Orestes Canning Co.:		frozen scallops -----	14606, 14607
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Owings Bros., Inc.:		canned corn -----	14630
flour -----	14525	Russell Co.:	
Owl Baking Co.:		tomato sauce -----	14657
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Pacific Storage & Distributing		Sa-Vi-Ade -----	14690
Co.:		Schmidt, C. B.:	
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vanilla -----	14689	butter -----	14558, 14567

<sup>1</sup> (14581) Prosecution contested. Contains opinion of the court.



	N. J. No.		N. J. No.
Schultz, Enoch, Creamery :		Taormina Co. :	
butter-----	14569, 14570	tomato puree-----	14655
Schuylkill Valley Grocery Co.,		Thielen, E. P. :	
Inc. :		Sa-Vi-Ade -----	14690
tomato juice-----	14506	Thomas & Drake Canning Co. :	
Sea-Land Frosted Foods Corp. :		canned black-eyed peas-----	14634
canned blueberries-----	14612	Tietjen, A. V. :	
Shapiro Fisheries, Inc. :		pinon nuts-----	14676
frozen tullibeas-----	14598	Trappey's B. F., Sons, Inc. :	
Sisco-Hamilton Co. :		canned tomatoes-----	14646
candy -----	14544	Trauth, Louis, Dairy :	
Sisk, Albert W., & Sons :		butter-----	14565
canned peas-----	14636	Tubbs Co. :	
Springdale Canning Co. :		Absorbex C and Absorbex M---	14698
canned tomatoes-----	14644	Unita Packing Co. <i>See</i> Piacitelli,	
Starr Fruit Products Co. :		S. G.	
canned cherries-----	14613, 14614	United Biscuit Co. of America :	
Steele Canning Co. :		pretzels -----	14515
canned tomatoes-----	14644	Valier & Spies Milling Co. :	
Stinson Canning Co. :		enriched flour-----	14531
canned sardines----- <sup>3</sup>	14595	Verdugo, Rafael :	
Stokely-Van Camp, Inc. :		frozen shrimp-----	14608
canned Mexican Style beans--	14624	Wegman's Food Markets, Inc. :	
Storm Lake Canning Co. :		Cheddar cheese-----	14584
canned corn-----	14629	Whiteside Cannery :	
Sugar Creek Creamery Co. :		canned turnip greens-----	14633
butter-----	14556	Winkleman, H. F. :	
Summe & Ratermann, Co., Inc. :		Swiss cheese-----	14582
butter-----	14562	Workman Packing Co. :	
Swift & Co. :		chicken ravioli-----	14695
canned pimientos-----	14639	Worthington Foods, Inc. :	
Swoope Milling Co., Inc. :		Numete (meat substitute) ----	14697
self-rising flour-----	14526	Zitner, S. :	
		candy-----	14546

<sup>3</sup> (14595) Suits for forfeiture of bonds. Contains opinion of the court.

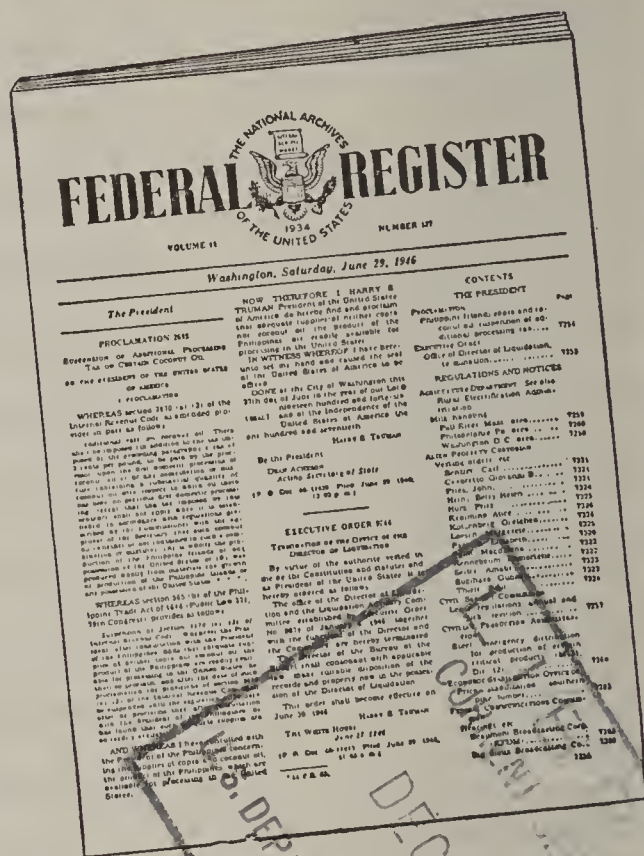
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2  
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**FOOD AND DRUG ADMINISTRATION**

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

14701-14750

**FOODS**

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The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *December 5, 1949.*

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**CEREALS AND CEREAL PRODUCTS**

**BAKERY PRODUCTS**

14701. Adulteration of bread and bread crumbs. U. S. v. Alban Health Foods Bakery, Inc., and Frank Alban. Plea of guilty. Each defendant fined \$75. (F. D. C. No. 25341. Sample Nos. 35853-H, 83501-H, 15183-K.)

INFORMATION FILED: November 22, 1948, Southern District of Ohio, against Alban Health Foods Bakery, Inc., Norwood, Ohio, and Frank Alban, president and treasurer.

ALLEGED SHIPMENT: On or about July 24 and 30, 1947, and August 19, 1948, from the State of Ohio into the States of Missouri, Indiana, and Illinois.

**LABEL, IN PART:** "Alban's \* \* \* Whole Wheat Rye" or "Alban's \* \* \* Toasted Whole Wheat Bread Crumbs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, larva, larvae heads, and insect and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** February 4, 1949. Pleas of guilty having been entered, each defendant was fined \$75.

**14702. Adulteration of bread. U. S. v. Willard N. Hersey. Plea of guilty. Fine, \$500. (F. D. C. No. 26327. Sample Nos. 4785-K, 5058-K.)**

**INFORMATION FILED:** March 17, 1949, District of New Hampshire, against Willard N. Hersey, an individual, Portsmouth, N. H.

**ALLEGED SHIPMENT:** Within the period of August 2 to September 30, 1948, from the State of New Hampshire into the State of Maine.

**LABEL, IN PART:** "Golden Crust Bread \* \* \* Hersey's Bakery Portsmouth, N. H."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 8, 1949. The defendant having entered a plea of guilty, the court imposed a fine of \$250 on each of two counts.

**14703. Adulteration of bread. U. S. v. Hart's Bakery, Inc. Plea of guilty. Fine, \$750. (F. D. C. No. 26307. Sample Nos. 45904-K to 45906-K, incl., 45911-K.)**

**INFORMATION FILED:** January 3, 1949, Eastern District of Missouri, against Hart's Bakery, Inc., Sikeston, Mo.

**ALLEGED SHIPMENT:** On or about September 21, 1948, from the State of Missouri into the State of Illinois.

**LABEL, IN PART:** (Wrapper) "Hart's Bread Enriched" or "Sta-Fresh Bread Hart's".

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetle heads, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 11, 1949. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$750.

**14704. Adulteration of bread. U. S. v. Holsum Bread Co. Plea of guilty. Fine of \$150 and costs. (F. D. C. No. 25315. Sample Nos. 27527-K to 27530-K, incl.)**

**INFORMATION FILED:** November 10, 1948, Western District of Missouri, against the Holsum Bread Co., a corporation, Springfield, Mo.

**ALLEGED SHIPMENT:** On or about July 3, 1948, from the State of Missouri into the State of Arkansas.



**LABEL, IN PART:** "Enriched Holsum Bread Co., Springfield, Mo."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and a hair fragment resembling rodent hair; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** December 1, 1948. A plea of guilty having been entered, a fine of \$150, together with costs, was imposed.

**14705. Adulteration of ice cream cones. U. S. v. 114 Cartons \* \* \* (and 4 other seizure actions).** (F. D. C. Nos. 23817, 23818, 23854, 23855, 23889, 23900. Sample Nos. 308-K to 310-K, incl., 410-K, 813-K, 1006-K, 1010-K.)

**LIBELS FILED:** October 16, 20, and 22, and November 6 and 10, 1947, Eastern District of Tennessee, Western District of South Carolina, and Southern District of Florida.

**ALLEGED SHIPMENT:** On or about September 3, 10, 17, 18, 19, 22, and 23, and October 11, 1947, by the Maryland Baking Co., from Atlanta, Ga.

**PRODUCT:** Ice cream cones. 796 cartons, each containing 100 cones, at Chattanooga, Tenn.; 27 cartons, each containing 1,000 cones, at Miami, Fla.; 9 cases, each containing 1,000 cones, at Rock Hill, S. C.; and 61 cartons, each containing 250 cones, at St. Petersburg, and 36 cartons, each containing 250 cones, at Miami, Fla.

**LABEL, IN PART:** "Eat-It-All Cake Cups," "Flavor-Ized Flare Tops Dripless Cake Cones," or "Kreem Kups."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of larvae, insects, and insect parts and fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** November 28 and December 4, 13, and 30, 1947, and January 13, 1948. Default decrees of condemnation and destruction.

### CORN MEAL

**14706. Adulteration of corn meal. U. S. v. Dixie Lily Milling Co. of Georgia, Inc. Plea of nolo contendere. Fine, \$225.** (F. D. C. No. 26292. Sample Nos. 785-K, 856-K, 858-K.)

**INFORMATION FILED:** December 2, 1948, Middle District of Georgia, against the Dixie Lily Milling Co. of Georgia, Inc., Juliette, Ga.

**ALLEGED SHIPMENT:** On or about August 3, 16, and 18, 1948, from the State of Georgia into the State of Florida.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of whole insects, insect fragments, rodent excreta pellet fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 1, 1949. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$75 on each of three counts, a total fine of \$225.

14707. Adulteration of corn meal. U. S. v. Lipscomb Grain & Seed Co. Plea of guilty. Fine of \$100 and costs. (F. D. C. No. 24056. Sample Nos. 41096-H, 41097-H.)

INFORMATION FILED: December 22, 1947, Western District of Missouri, against the Lipscomb Grain & Seed Co., a corporation, Springfield, Mo.

ALLEGED SHIPMENT: On or about August 2, 1947, from the State of Missouri into the State of Arkansas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta fragments, insects, insect fragments, and a rodent hair.

DISPOSITION: September 27, 1948. A plea of guilty having been entered, the defendant was fined \$100, together with costs.

## FLOUR

14708. Adulteration of flour. U. S. v. 93 Sacks \* \* \*. (F. D. C. No. 26188. Sample No. 23579-K.)

LIBEL FILED: On or about December 1, 1948, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about July 8, 1948, from Burley, Idaho.

PRODUCT: 93 50-pound sacks of flour at Drew, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: On or about December 12, 1948. Default decree of condemnation and destruction.

14709. Adulteration of flour. U. S. v. 80 Bags, etc. (F. D. C. No. 25768. Sample Nos. 12190-K to 12194-K, incl., 48069-K.)

LIBEL FILED: September 20, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 21, 1948, from Detroit, Mich., by the Henkel Flour Mills.

PRODUCT: 688 100-pound bags of flour at Philadelphia, Pa. The product was in a railroad car which was infested with insects.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 16, 1948. The Pennsylvania Railroad Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and denaturing of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations were completed on January 18, 1949, resulting in the conversion of all of the product into animal and poultry feed.



**14710. Adulteration of flour. U. S. v. 40 Bags \* \* \*. (F. D. C. No. 25671. Sample No. 23565-K.)**

**LIBEL FILED:** On or about October 1, 1948, Northern District of Mississippi.

**ALLEGED SHIPMENT:** On or about April 16, 1948, from Shawnee, Okla.

**PRODUCT:** 40 50-pound bags of flour at Greenwood, Miss.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** December 2, 1948. Default decree of condemnation and destruction.

**14711. Adulteration and misbranding of enriched flour. U. S. v. The Colorado Milling & Elevator Co. (The Springfield Flour Mills). Plea of guilty. Fine of \$50 and costs. (F. D. C. No. 25296. Sample No. 26779-K.)**

**INFORMATION FILED:** September 28, 1948, Western District of Missouri, against the Colorado Milling & Elevator Co., a corporation, trading as the Springfield Flour Mills, Springfield, Mo.

**ALLEGED SHIPMENT:** On or about February 9, 1948, from the State of Missouri into the State of Arkansas.

**LABEL, IN PART:** "Bleached Phosphated Flour Enriched The Springfield Flour Mills Springfield, Mo. Meyer's Albatross Phosphated Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin B<sub>1</sub>, riboflavin, niacin, and iron, had been in part omitted.

Misbranding, Section 403 (g) (1), the product fell below the standard of identity for enriched flour since it contained less vitamin B<sub>1</sub>, riboflavin, niacin, and iron than required by the standard.

**DISPOSITION:** October 8, 1948. A plea of guilty having been entered, the defendant was fined \$50, together with costs.

## CONFECTIONERY

**14712. Adulteration of candy. U. S. v. Paul G. Whitson (Whitson Candy Co.). Plea of guilty. Fine, \$5,000. Payment of fine suspended and defendant placed on probation for 3 years. (F. D. C. No. 25279. Sample Nos. 18944-K, 19065-K, 19086-K, 19087-K, 39383-K.)**

**INFORMATION FILED:** June 29, 1948, Eastern District of Tennessee, against Paul G. Whitson, trading as the Whitson Candy Co., Knoxville, Tenn.

**ALLEGED SHIPMENT:** On or about February 18, 20, and 23, 1948, from the State of Tennessee into the States of Kentucky and Ohio.

**LABEL, IN PART:** "Whitson's Genuine Old Fashioned Pure Sugar Peppermint Stick Candy" or "Whitson's Pure Sugar 'Full Value' Penny Stick Candy."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 17, 1949. A plea of guilty having been entered, the defendant was fined \$5,000. Payment of the fine was suspended, and the defendant was placed on probation for 3 years.

**14713. Adulteration of candy-coated peanuts. U. S. v. 4 Cases \* \* \*.**  
(F. D. C. No. 26230. Sample Nos. 40914-K, 40917-K.)

**LIBEL FILED:** December 22, 1948, Western District of Washington.

**ALLEGED SHIPMENT:** On or about November 2, 1948, by Leon Hi Ho Silver, Inc., from San Francisco, Calif.

**PRODUCT:** 4 40-pound cases of candy-coated peanuts at Seattle, Wash.

**LABEL, IN PART:** "Rainbow Beans Sugar Corn Syrup Peanuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect excreta and insect-infested peanuts.

**DISPOSITION:** May 26, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

**14714. Misbranding of honey. U. S. v. 24 Cartons \* \* \*. (F. D. C. No. 23906.**  
Sample No. 8818-K.)

**LIBEL FILED:** November 10, 1947, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 20, 1947, by Coburn Farm Products Co., Inc., from New York, N. Y.

**PRODUCT:** 24 cartons, each containing 24 16-ounce cans, of honey at Hoboken, N. J.

**LABEL, IN PART:** "Sondra Brand pure imported table honey."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the containers were so filled as to be misleading since the honey occupied only about 70 percent of the volume of the container.

**DISPOSITION:** March 21, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution, after destruction of the labels.

**14715. Adulteration and misbranding of sirup. U. S. v. 25 Cases \* \* \*.**  
(F. D. C. No. 23439. Sample No. 54433-H.)

**LIBEL FILED:** September 4, 1947, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about May 31 and July 10, 1947, by Afsco Industries, from Tampa, Fla.

**PRODUCT:** 25 cases, each containing 24 16-ounce bottles, of sirup at Valdosta, Ga.

**LABEL, IN PART:** "Southern Cane Brand Syrup Cane Sugar Syrup, Cane Syrup, Caramel Coloring."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of sugar sirup and cane sirup, containing more than 50 percent of sugar sirup, had been substituted for cane sirup, which the product was represented to be.

Misbranding, Section 403 (a), the prominent label designation "Southern Cane Syrup" was false and misleading since the mixture contained more than 50 percent of sugar sirup; and, Section 403 (b), the product was offered for sale under the name of another food, cane sirup.

**DISPOSITION:** November 6, 1947. Default decree of condemnation. The product was ordered delivered to a Federal institution.



**DAIRY PRODUCTS****BUTTER**

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 14716 and 14717; that was below the legal standard for milk fat content, Nos. 14718 and 14719; and that was short of the declared weight, No. 14719.

**14716. Adulteration of butter. U. S. v. 1,000 Cases \* \* \*. (F. D. C. No. 26063. Sample No. 5490-K.)**

**LIBEL FILED:** October 18, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about September 24, 1948, by the Beatrice Foods Co., from Louisville, Ky.

**PRODUCT:** 1,000 cases, each containing 32 1-pound prints, of butter at Worcester, Mass.

**LABEL, IN PART:** "Holland Brand Creamery Butter [or "Meadow Gold Butter"] Distributed by Beatrice Foods Co.," and "Blue Valley Butter Distributed by Beatrice Foods Co. [or "Blue Valley Creamery"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect parts and fragments, rat or mice hairs, and the fact that the cream from which it was prepared was filthy.

**DISPOSITION:** December 9, 1948. The Beatrice Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for use in the manufacture of soap, under the supervision of the Federal Security Agency.

**14717. Adulteration of butter. U. S. v. 60 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26062, 26166. Sample Nos. 1059-K, 46027-K.)**

**LIBELS FILED:** On or about October 22 and November 2, 1948, Southern District of Florida and Western District of Arkansas.

**ALLEGED SHIPMENT:** On or about September 23 and 28, 1948, by the Sugar Creek Creamery Co., from Louisville, Ky.

**PRODUCT:** 60 cases, each containing 12 1-pound rolls, of butter at Miami, Fla., and 999 32-pound cases of butter at Camp Chaffee, Ark.

**LABEL, IN PART:** "1 Lb. Net Weight Country Roll Creamery Butter Pasteurized Wilson & Co." or "Sugar Creek Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect filth, rodent hairs, and feather barbules; and it had been made from filthy cream.

**DISPOSITION:** December 9, 1948. No claimant having appeared for the 60-case lot, the product was condemned and ordered sold to be denatured, under the supervision of the United States marshal. On January 7, 1949, the Sugar Creek Creamery Co., claimant for the 999-case lot having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into nonedible grease, under the supervision of the Food and Drug Administration.

14718. Adulteration of butter. U. S. v. 7 Boxes (420 pounds) \* \* \*. (F. D. C. No. 26170. Sample No. 45434-K.)

**LIBEL FILED:** October 26, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 5, 1948, from Houston, Minn., by the Money Creek Cooperative Creamery Assoc.

**PRODUCT:** 7 60-pound boxes of butter at Chicago, Ill.

**LABEL, IN PART:** "Creamery Butter Distributed By H. C. Christians Co., Chicago, Ill."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** November 16, 1948. The H. C. Christians Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Federal Security Agency.

14719. Adulteration and misbranding of butter. U. S. v. Frank P. Havelka (Schuyler Creamery Co.). Plea of *nolo contendere*. Fine of \$75 and costs. (F. D. C. No. 25599. Sample Nos. 67053-H, 67054-H, 21652-K.)

**INFORMATION FILED:** January 12, 1949, District of Nebraska, against Frank P. HAVELKA, trading as the Schuyler Creamery Co., Schuyler, Nebr.

**ALLEGED VIOLATION:** The defendant was charged with giving a false guaranty to Wilson & Co., Inc., Omaha, Nebr., on or about September 7, 1945. It provided that all butter manufactured, sold, and delivered by the defendant to the latter firm would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

The defendant delivered to Wilson & Co., Inc., quantities of adulterated butter on or about September 20 and September 23, 1946, and a quantity of misbranded butter on or about July 21, 1948. Wilson & Co., Inc., prior and subsequent to the dates of delivery, was engaged in the business of introducing and delivering for introduction into interstate commerce quantities of butter supplied by the defendant.

**LABEL, IN PART:** (Prints) "Clear Brook Creamery Butter \* \* \* Distributors Wilson & Co. \* \* \* Net Weight 1 Pound."

**NATURE OF CHARGE:** Adulteration (portion), Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding (portion), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the prints weighed less than the declared weight of one pound.

**DISPOSITION:** March 3, 1949. A plea of *nolo contendere* having been entered, the court imposed a fine of \$75 and costs.

## EGGS

14720. Adulteration of frozen whole eggs. U. S. v. 200 Cans \* \* \* (and 1 other seizure action). (F. D. C. Nos. 23726, 25090. Sample Nos. 8153-K, 12200-K.)

**LIBELS FILED:** September 24, 1947, and July 15, 1948, Eastern District of Pennsylvania and District of Connecticut.



**ALLEGED SHIPMENT:** On or about May 19, 1947, and June 11, 1948, by the Arthur Redmond Co., from Terre Haute, Ind.

**PRODUCT:** Frozen whole eggs. 200 30-pound cans at Philadelphia, Pa., and 158 30-pound cans at New Haven, Conn.

**LABEL, IN PART:** "National Frozen Eggs Distributed by National Food Industries, Inc., Belleville, New Jersey" or "Kirby Kuality Dublegg Frozen Concentrated Whole Eggs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** March 5 and October 4, 1948. The Arthur Redmond Co., claimant for the Philadelphia lot, and National Food Industries, Inc., claimant for the New Haven lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for the segregation and salvage of the fit portion. Of the 158 cans in the New Haven lot, 67 cans were salvaged and 91 cans were rejected and denatured; of the 200 cans in the Philadelphia lot, 192 cans were salvaged and 8 cans were rejected and denatured.

**14721. Adulteration of frozen whole eggs. U. S. v. 20 Cans \* \* \*. (F. D. C. No. 25091. Sample No. 8154-K.)**

**LABEL FILED:** July 15, 1948, District of Connecticut.

**ALLEGED SHIPMENT:** On or about June 11, 1948, by National Food Industries, Inc., from Terre Haute, Ind.

**PRODUCT:** 20 30-pound cans of frozen whole eggs at Hartford, Conn.

**LABEL, IN PART:** "National Frozen Eggs Distributed by National Food Industries, Inc., Belleville, New Jersey."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 4, 1948. National Food Industries, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit, under the supervision of the Food and Drug Administration. Of the 20 cans seized, 16 cans were denatured.

## FEEDS AND GRAINS

**14722. Misbranding of alfalfa meal. U. S. v. Pemiscot Dehydrating Mill Co. Plea of guilty. Fine, \$50. (F. D. C. No. 26341. Sample No. 39271-K.)**

**INFORMATION FILED:** On or about March 5, 1949, Eastern District of Missouri, against the Pemiscot Dehydrating Mill Co., a corporation, Steele, Mo.

**ALLEGED SHIPMENT:** On or about August 7, 1948, from the State of Missouri into the State of Pennsylvania.

**LABEL, IN PART:** "Neumond's 20% Dehydrated Alfalfa Meal \* \* \* Guaranteed Analysis Crude Protein, not less than-----20.0% Manufactured For And Distributed By The Neumond Co. St. Louis, Missouri."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Crude Protein, not less than 20.0%" was false and misleading since the product contained less than 20 percent of crude protein.

**DISPOSITION:** April 11, 1949. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

**14723. Misbranding of Canadian Refuse Screenings. U. S. v. Grain & Feed Mills Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 25614. Sample No. 39589-K.)**

**INFORMATION FILED:** March 2, 1949, Eastern District of Missouri, against the Grain & Feed Mills Co., a corporation, St. Louis, Mo.

**ALLEGED SHIPMENT:** On or about April 16, 1948, from the State of Missouri into the State of Texas.

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), the bags containing the article bore no label containing a statement of the quantity of the contents; and, Section 403 (i) (1), they bore no label containing the common or usual name of the article, namely, ground screenings.

**DISPOSITION:** March 30, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$250.

## FISH AND SHELLFISH

**14724. Adulteration of smoked, sliced salmon. U. S. v. Louis Gorelick and The Manhattan Packing Co., a partnership. Pleas of guilty. Individual defendant fined \$500; partnership fined \$250. (F. D. C. No. 21488. Sample Nos. 57318-H, 57338-H.)**

**INFORMATION FILED:** July 24, 1947, Eastern District of New York, against Louis Gorelick, and the Manhattan Packing Co., a partnership, Middle Village, L. I., N. Y.

**ALLEGED SHIPMENT:** On or about July 17 and August 5, 1946, from the State of New York into the State of Massachusetts.

**LABEL, IN PART:** "Delicio U. S. Salmon Brand Smoked & Sliced \* \* \* Packed in Salad Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the product contained an added deleterious substance, mineral oil, which rendered it injurious to health; Section 402 (b) (2), smoked salmon packed in mineral oil, a non-nutritive substance, had been substituted in whole or in part for smoked salmon packed in salad oil, a nutritive substance; and, Section 402 (b) (4), mineral oil had been added to the product and mixed and packed with it so as to reduce its quality.

**DISPOSITION:** May 19, 1949. Pleas of guilty having been entered, Louis Gorelick was fined \$500 and the partnership \$250.

**14725. Adulteration of canned yellowtail and bonita. U. S. v. 47 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26113, 26114. Sample Nos. 10118-K, 10119-K.)**

**LIBELS FILED:** December 8, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about October 5, 1948, by the California Sea Food Corp., from Long Beach, Calif.

**PRODUCT:** 47 cases of canned yellowtail and 40 cases of canned bonita at Brooklyn, N. Y. Each case contained 48 6¾-ounce cans.

**LABEL, IN PART:** "Val Vita Brand Yellowtail" or "Val Vita Brand Bonita."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances by reason of the presence of decomposed fish; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** May 19, 1949. Default decrees of condemnation and destruction.

**14726. Adulteration and misbranding of canned clams. U. S. v. 10 Cases \* \* \*.**  
(F. D. C. No. 26499. Sample No. 31493-K.)

**LIBEL FILED:** February 1, 1949, Southern District of California.

**ALLEGED SHIPMENT:** On or about December 6, 1948, by Abt's Seafood Products, Inc., from New York, N. Y.

**PRODUCT:** 10 cases, each containing 24 jars, of clams at Los Angeles, Calif.

**LABEL, IN PART:** "Still's Fire Island Brand Clams in Juice Net Weight 12 Ozs. Drained Wt. 5 Ozs."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added brine had been substituted in part for clams.

Misbranding, Section 403 (a), the label statement "Drained Wt. 5 Ozs." was false and misleading as applied to an article which had a drained weight of less than the stated amount; and, Section 403 (e) (2), the product was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents. (The jars contained less than 12 ounces net, the weight declared.)

**DISPOSITION:** March 16, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**14727. Adulteration of frozen shrimp. U. S. v. 431 Cases \* \* \*.** (F. D. C. No. 26470. Sample No. 42418-K.)

**LIBEL FILED:** January 25, 1949, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about December 31, 1948, by Productos Congelados, from Nogales, Ariz.

**PRODUCT:** 431 cases, each containing 10 5-pound packages, of frozen shrimp at Chicago, Ill.

**LABEL, IN PART:** "Fresh Frozen Shrimp Packed By Nogales Freezing and Storage Co., Nogales, Arizona, Products of Mexico."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** February 18, 1949. The Wilbur-Ellis Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the good from the bad, under the supervision of the Federal Security Agency. The unfit portion of the product was ordered denatured or converted into bait shrimp, under the supervision of the Federal Security Agency. The segregation operation resulted in the denaturing of 231 cartons for use as bait shrimp.

**FRUITS AND VEGETABLES****CANNED FRUIT**

**14728. Adulteration of canned cherries. U. S. v. 359 Cases \* \* \*. (F. D. C. No. 24410. Sample No. 18316-K.)**

**LIBEL FILED:** January 14, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 23, 1947, by Michigan Fruit Cannery, Inc., from Fennville, Mich.

**PRODUCT:** 359 cases of canned cherries at Cincinnati, Ohio.

**LABEL, IN PART:** "Rustic Contents 1 Lb. 4 Oz. Pitted Dark Sweet Michigan Cherries in Heavy Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 22, 1948. Default decree of condemnation and destruction.

**14729. Misbranding of canned peaches. U. S. v. 923 Cases \* \* \*. (F. D. C. No. 26007. Sample No. 40557-K.)**

**LIBEL FILED:** On or about December 8, 1948, District of Oregon.

**ALLEGED SHIPMENT:** On or about October 2, 1948, by Food Processors, Inc., from Yakima, Wash.

**PRODUCT:** 923 cases, each containing 24 1-pound, 12-ounce cans, of peaches, at Salem, Oreg.

**LABEL, IN PART:** (Can) "Peaches In Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (f), the name and address of the packer and the statement of the quantity of the contents, which are required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, and devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use since the information was printed on the label on the back of the can.

Further misbranding, Section 403 (g) (2), the product was represented as canned peaches, a food for which a definition and standard of identity have been prescribed, and its label failed to bear as required by the regulations the name of the optional packing medium present in the foods since the labels bore the statement "In Heavy Syrup" and a portion of the product was packed in light sirup; and, in addition, its label failed to bear as required by the regulations the varietal type of peach ingredient present.

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since all of the units were not untrimmed or so trimmed as to preserve their normal shape, and it failed to bear the substandard legend.

**DISPOSITION:** May 2, 1949. The Willamette Grocery Co., Salem, Oreg., and Food Processors, Inc., Yakima, Wash., claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.



## VEGETABLES AND VEGETABLE PRODUCTS

**14730. Adulteration of canned corn. U. S. v. 8,769 Cases \* \* \*. (F. D. C. No. 25665. Sample Nos. 15983-K, 15984-K.)**

**LIBEL FILED:** On or about October 1, 1948, Eastern District of Illinois.

**ALLEGED SHIPMENT:** Between the dates of May 1 and August 1, 1948, by Kroger Stores, from St. Louis, Mo.; Toledo, Ohio; Louisville, Ky.; and Little Rock, Ark. These were returned shipments.

**PRODUCT:** 8,769 cases, each containing 24 1-pound, 4-ounce cans, of corn at Onarga and Gilman, Ill.

**LABEL, IN PART:** "Kroger White Sweet Corn Cream Style."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

**DISPOSITION:** November 15, 1948. Default decree of condemnation. The product was ordered sold for use other than for human consumption.

**14731. Adulteration of canned corn. U. S. v. 249 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 26287, 26827. Sample Nos. 23718-K, 43561-K.)**

**LIBELS FILED:** On or about January 18 and March 7, 1949, Southern District of Ohio and Southern District of Texas.

**ALLEGED SHIPMENT:** On or about November 17 and 23, 1948, by Libby, McNeill & Libby, from Evansville, Wis.

**PRODUCT:** 1,195 cases of canned corn at Houston, Tex., and 249 cases of canned corn at Cincinnati, Ohio. Each case contained 48 11-ounce cans.

**LABEL, IN PART:** "Libby's Golden Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms, worm parts, and worm excreta.

**DISPOSITION:** March 4 and April 8, 1949. Default decrees of condemnation and destruction.

**14732. Adulteration of canned corn. U. S. v. 146 Cases, etc. (and 1 other seizure action.) (F. D. C. Nos. 26282, 26537. Sample Nos. 20752-K, 20753-K, 21839-K.)**

**LIBELS FILED:** On or about January 21 and February 24, 1949, District of Nebraska and Western District of New York.

**ALLEGED SHIPMENT:** On or about November 30 and December 16, 1948, and January 13, 1949, by the Storm Lake Canning Co., from Storm Lake, Iowa.

**PRODUCT:** Corn. 257 cases at Omaha, Nebr., and 549 cases at Kansas City, Mo. Each case contained 24 1-pound, 4-ounce cans.

**LABEL, IN PART:** "Country Home Brand Golden Sweet Corn Cream Style" or "Gardenside Brand Cream Style Golden Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

**DISPOSITION:** March 4 and April 1, 1949. Default decrees of condemnation. The Omaha lot was ordered destroyed; the Kansas City lot was ordered delivered to the County Farm, where it was fed to hogs.

**14733. Adulteration of canned corn. U. S. v. 543 Cases \* \* \*. (F. D. C. No. 26485. Sample No. 27579-K.)**

**LIBEL FILED:** January 27, 1949, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about November 4 and 19, 1948, by the Rossville Canning Co., Rossville, Ill.

**PRODUCT:** 543 cases, each containing 48 11-ounce cans, of cream style corn at St. Louis, Mo.

**LABEL, IN PART:** "IGA Cream Style Golden Sweet Corn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

**DISPOSITION:** May 5, 1949. Default decree of condemnation and destruction.

**14734. Misbranding of canned corn. U. S. v. 741 Cases \* \* \*. (F. D. C. No. 26493. Sample Nos. 23333-K, 53264-K.)**

**LIBEL FILED:** January 31, 1949, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about October 1, 1948, by the Rochester Canning Co., from Rochester, Ind.

**PRODUCT:** 741 cases, each containing 24 1-pound, 4-ounce cans, of corn at New Orleans, La.

**LABEL, IN PART:** "Red Ball Brand Fancy Crushed White Sweet Corn."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading as applied to the article, which contained firm and doughy kernels.

**DISPOSITION:** April 8, 1949. The Rochester Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

**14735. Adulteration of mustard greens. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 26264. Sample No. 29466-K.)**

**LIBEL FILED:** January 11, 1949, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about May 20, 1948, by the Good Canning Co., from Fort Smith, Ark.

**PRODUCT:** 25 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at Slaton, Tex.

**LABEL, IN PART:** "Dependable Brand Fancy Mustard Greens."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids and larvae.

**DISPOSITION:** May 16, 1949. Default decree of condemnation and destruction.



**14736. Adulteration of split peas. U. S. v. 46 Sacks, etc. (F. D. C. No. 25192. Sample Nos. 23289-K to 23291-K, incl.)**

**LIBEL FILED:** July 23, 1948, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about April 14 and May 1, 1948, from Omaha, Nebr., and Denver, Colo.

**PRODUCT:** 170 100-pound sacks of split peas at Houston, Tex.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 1, 1948. The Washburn-Wilson Seed Co., Moscow, Idaho, claimant, having admitted that the product was adulterated as alleged in the libel, judgment of condemnation was entered and the product was ordered released under bond for reprocessing under the supervision of the Federal Security Agency. The product was subsequently cleaned and rendered satisfactory for human consumption.

**14737. Misbranding of canned peas. U. S. v. 1,137 Cases \* \* \*. (F. D. C. No. 26269. Sample No. 25298-K.)**

**LIBEL FILED:** January 7, 1949, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about December 6 and 7, 1948, by the Klindt-Geiger Canning Co., from Cassville, Wis.

**PRODUCT:** 1,137 cases, each containing 24 1-pound, 4-ounce cans, of peas at Des Moines, Iowa.

**LABEL, IN PART:** "Crystal Brook No. 4 Sieve June Peas."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was substandard since the alcohol-insoluble solids were more than 23.5 percent.

**DISPOSITION:** June 2, 1949. The Klindt-Geiger Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**14738. Misbranding of sweet pickles. U. S. v. 38 Cases \* \* \*. (F. D. C. No. 26201. Sample No. 33635-K.)**

**LIBEL FILED:** December 7, 1948, Northern District of California.

**ALLEGED SHIPMENT:** On or about September 16, 1948, by the Green Garden Food Products Co., from Seattle, Wash.

**PRODUCT:** 38 cases, each containing 24 12-ounce jars, of sweet pickles at Sacramento, Calif.

**LABEL, IN PART:** "Yale Brand Sweet Pickles."

**NATURE OF CHARGE:** Misbranding, Section 403 (k), the product contained a chemical preservative, benzoate of soda, and failed to bear labeling stating that fact.

**DISPOSITION:** April 28, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

## TOMATOES AND TOMATO PRODUCTS

14739. Adulteration of tomato puree. U. S. v. 935 Cases \* \* \*. Libel ordered quashed and goods returned to claimant; district court reversed on appeal to circuit court of appeals. Claimant's petition to Supreme Court for writ of certiorari denied. Libel amended. Case tried to district court; judgment for Government. Decree of condemnation and destruction. (F. D. C. No. 7159. Sample No. 80182-E.)

**LIBEL FILED:** April 9, 1942, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about March 12 and 16, 1942, from Lebanon, Ind., by the Ladoga Canning Co.

**PRODUCT:** 935 cases, each containing 6 No. 10 cans, of tomato puree at Cleveland, Ohio. Examination showed that the product contained decomposed material, as evidenced by mold.

**LABEL, IN PART:** "Bako Brand Tomato Puree \* \* \* Contents 6 Lbs. 6 Oz. Type 3 The Weideman Co. Distributors Cleveland, Ohio."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** The Ladoga Canning Co., owner of the goods, entered a special appearance on April 30, 1942, and filed a motion to quash the writ of attachment and moved for the return of the goods, which motion was granted. Upon an appeal to the Circuit Court of Appeals for the Sixth Circuit, the judgment of the district court was reversed, with the handing down of the following opinion:

MARTIN, *Circuit Judge*: "The United States Attorney for the Northern District of Ohio filed, in behalf of the United States, a libel *in rem* against a quantity of tomato puree shipped by appellee, Ladoga Canning Company, in interstate commerce from Lebanon, Indiana, to Cleveland, Ohio. The complaint charged that, under the Federal Food, Drug and Cosmetic Act, the food was subject to seizure and confiscation pursuant to U. S. C. A., Title 21, Section 334, as adulterated food within the meaning of U. S. C. A., Title 21, Section 342 (a) (3).

"The appellee, averring its sole ownership of the goods, appeared specially and moved to quash the writ of attachment and monition and the attachment and seizure of the goods; and, in the same motion, prayed for an order for the return of the goods to appellee upon the allegation that the issuance of the writ and the seizure of the goods violated the Fourth Amendment to the Constitution of the United States, 'in that the warrant for the seizure issued and in that the seizure was made without a showing of probable cause supported by oath or affirmation, particularly describing the place to be searched and the things to be seized.'

"The District Court entered an order sustaining the motion, directing that the goods be returned to the owner, and dismissing the complaint. On the following day, the United States Attorney filed notice of appeal to this court. Six days later, the District Court entered an order directing that, pending the perfection of the appeal, 'the operation and enforcement of the judgment entered be, and the same is ordered stayed, insofar as the return of the goods is concerned.' After another six-day interim, the appellee moved for a modification of the latter order by striking therefrom the provision concerning the stay of the return of its goods. The point was made that the order of the Court quashing the warrant and directing the return of the goods to the owner is 'a separate matter,' is an interlocutory order and, therefore, not appealable. (See *Wise v. Mills*, 220 U. S. 546.) The motion stated further that 'the continued holding of the goods is subject to the same objection as the original seizure; namely, that it is contrary to the constitutional provisions against unwarranted searches and seizures.' On March 30, 1943, the District Court entered an order denying the motion of appellee for modification of the Court's order 'staying proceedings.'



"On April 13, 1943, while the record in the cause was being printed, appellee filed in this court a motion, with an accompanying brief, for dissolution of the order of March 17, 1943, filed in the District Court, insofar as that order 'stays the enforcement of the part of the order of March 10, 1943, which directed that the goods theretofore seized by the Marshal in violation of the Fourth Amendment of the Constitution of the United States be released from seizure and delivered to appellee.'

"The printed record was subsequently filed on April 23, 1943, and hearing of the motion ensued on June 1, 1943. Upon this hearing, the attorneys for the parties argued the case upon the merits of the appeal, as well as upon the motion, and jointly besought this court not only to pass upon the motion to dissolve the District Court's stay order of March 17, 1943, but to decide the issue as to whether the District Court erred in dismissing the libel on information filed by the United States Attorney.

"The important issue for determination is whether a libel *in rem*, prosecuted in behalf of the United States pursuant to the Federal Food, Drug and Cosmetic Act of June 15, 1938, Ch. 675, must be verified. The Act provides, *inter alia*:

Any article of food, drug, device or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce, or which may not under the provisions of Section 344 or 355, be introduced into interstate commerce shall be liable to be proceeded against while in interstate commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found. . . . [U. S. C. A., Title 21, Section 334 (a).]

The article shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. [U. S. C. A., Title 21, Sec. 334 (b).]

"Recognition that proceedings under the provisions of Section 10 of the Pure Food Act of June 30, 1906, 34 Stat. 768, where this procedure was originally prescribed by Congress, shall be by libel *in rem* and shall conform as nearly as may be to proceedings in admiralty was given by the Supreme Court in *Four Hundred and Forty-Three Cans of Frozen Egg Product v. United States*, 226 U. S. 172, 178, 182, 183. It was commented there that the provision of the Act giving to either party the right to demand a jury trial of issues of fact was inserted with a view to removing any question as to the constitutionality of the Act, and that it was not intended to liken the proceedings to those in admiralty beyond *seizure of the property* by process *in rem*.

"Under the quoted paragraphs of the Act of Congress, the United States is authorized to seize adulterated or misbranded articles of food before proof of justification for seizure; but adequate provision is made for a hearing before condemnation of the goods seized. In admiralty, procedure by libel *in rem* is akin to the civil writ of attachment, and the procedure followed in the instant case conformed to admiralty practice. Admiralty Rule 21 controls the libel procedure under the Federal Food, Drug and Cosmetic Act. This rule does not specify that verification of the information or libel of information is required. Admiralty Rule 22, however, directs that all libels in *instance causes*, civil or maritime, shall be on oath or solemn affirmation. This difference in the two admiralty rules leads to the inference that the omission of the requirement of oath and affirmation to a libel filed under the Federal Food, Drug and Cosmetic Act was deliberate.

"The rules in admiralty effective in the United States District Court for the Northern District of Ohio expressly except the United States from the requirement of verification of pleadings. Admiralty Rule 1 of that district, which is the forum in the instant case, prescribes that 'pleadings and answers to interrogatories, except on behalf of the United States, shall be verified.' Similar local admiralty rules, excepting the United States from the requirement of verification placed on other libellants, have been adopted in the United States District Courts in many districts, among others the Western District of New York, the Eastern District of Pennsylvania, the Eastern District of South Carolina, the Southern District of Georgia, the Eastern District of Louisiana, the Western District of Kentucky, the Southern and the Northern Districts of California, the District Court of New Jersey, the District Court of Minnesota, the District Court of Hawaii, and the District Court of Puerto Rico. See



*Benedict on Admiralty*, 6th Ed., Vol. 5. This authoritative textbook asserts that 'all libels, except those brought on behalf of the Government, must be verified, even if also signed by the proctor.' *Benedict on Admiralty*, 6th Ed., Vol. 2, p. 71, Sec. 240. In a footnote, the author states that 'the practice was laid down in *Hutson v. Jordan* (1837), 1 Ware (385) 393, Fed. Cas. No. 6959 (D. Me.).'

"It is reasonable to assume that, in enacting the Federal Food, Drug and Cosmetic Act for the protection of the public against consumption of impure, adulterated or misbranded articles, by setting up procedure for immediate removal of suspected articles from the flow of interstate commerce, the Congress, presumably familiar with admiralty rules and practice, considered public policy best conserved by not requiring United States Attorneys to verify libels filed in their official capacities against articles to be seized. All official acts of a United States Attorney are under his oath of office. This fact differentiates his status from that of other libellants. Though the question presented is of first impression in the appellate courts of the United States, we have reached, without hesitation, the conclusion that, under existing law, the libel *in rem* filed by the United States Attorney in the case at bar needed no verification.

"But the appellee contended successfully in the District Court that, irrespective of admiralty rules and practice, the issuance of the writ of attachment and the seizure of the goods, without a showing of probable cause supported by oath or affirmation, were violative of the Fourth Amendment to the Constitution of the United States. The main dependence of appellee is *Boyd v. United States*, 116 U. S. 616, 622, in which the Government had seized goods charged to have been imported fraudulently in contravention of National revenue laws. The owners of the goods denied the fraud charged against them and the case was tried upon that issue. As part of its essential proof, the Government was compelled to show the value of the goods. In his effort to comply with this necessity, the United States Attorney, over objection of the owners, obtained a court order requiring them to produce the invoice covering the goods. Exception was taken by the owners to admission of the invoice in evidence. The jury returned a verdict for the United States condemning the goods seized; and a judgment of forfeiture followed. On appeal by the owners, the argument was made that the court order directing production of the invoice and the reception of the invoice in evidence was violative of the Fourth Amendment. The Supreme Court, in reversing the judgment below and awarding a new trial, said that 'a compulsory production of a man's private papers to establish a criminal charge against him, or to forfeit his property, is within the scope of the Fourth Amendment to the Constitution, in all cases in which a search and seizure would be; because it is a material ingredient, and effects the sole object and purpose of search and seizure.'

"The statute involved in the *Boyd* case provided that the offender, bringing goods into the United States in violation of its custom laws, might be punished by fine or by forfeiture of the imported goods. The basis of decision was that the case was criminal in character. The Supreme Court did not consider whether or not the initial seizure of the goods constituted a search and seizure within the purview of the Fourth Amendment, but directed its attention only to the court order requiring production of private papers. Nor did the Court decide that the order was equivalent to a search warrant which must be supported by oath. The ruling was merely that the order for the production of the invoice was, under the Fourth Amendment, unreasonable in the circumstances of the case. The issue of verification was not involved.

"No order for the production of private papers is involved in the instant case. Nor is this proceeding, in any aspect, a criminal case. An ordinary libel *in rem* brought by the United States is undoubtedly a civil action. *United States v. LaVengeance*, 3 Dallas 297, 301; *Dobbins's Distillery v. United States*, 96 U. S. 395, 399.

"There is no element of search or invasion of the privacy of the citizen or of his home involved in the case at bar. The proceeding here is for the condemnation of adulterated goods under authority of an Act of Congress, by libel *in rem* to bring into court the thing charged as deleterious for determination of the issue of whether it is fit food, or not.



“Under the interstate commerce clause of the Constitution, Congress has been vested with full power to keep the channels of interstate commerce free from the transportation of illicit or harmful articles, and to make those deleterious to public health ‘outlaws of such commerce.’ So long as the means are appropriate to that end and do not violate any provision of the Constitution, Congress may be the judge of the means to be employed in exercising its powers. *McDermott v. Wisconsin*, 228 U. S. 115, 128. See, also, *Hipolite Egg Co. v. United States*, 220 U. S. 45; *Seven Cases of Eckman’s Alterative v. United States*, 239 U. S. 510, 514.

“No significance should be attached to the use by the Supreme Court of the words ‘warrants of arrest’ in the Admiralty Rules which it has promulgated. The usage bears no semblance to the use of the word ‘warrant’ in the Fourth Amendment. In admiralty, the term ‘arrest’ is the technical term long sanctioned to indicate an actual seizure of property. *Pelham v. Rose*, 9 Wallace 103, 107.

“The United States District Court for the Western District of Virginia has correctly held that a libel *in rem* under the Federal Food, Drug and Cosmetic Act is not a search and seizure within the meaning of the Fourth Amendment, and that the libel information need not be verified. *United States v. Eighteen Cases of Tuna Fish*, 5 F. (2d) 979. See, also, *United States v. Two Barrels of Desiccated Eggs*, 185 Fed. 302 (D. C. Minn.). The contrary has been held erroneously in *United States v. Eight Packages and Casks of Drugs*, 5 F. (2d) 971 (S. D. Ohio).

“As has been demonstrated, the libel of information filed by the United States Attorney on behalf of the United States in the instant proceeding required no verification; and the seizure of the alleged adulterated articles in interstate commerce, in the manner prescribed by the Federal Food, Drug and Cosmetic Act, U. S. C. A., Title 21, Sec. 334, was not an unreasonable search and seizure in contravention of the Fourth Amendment to the Constitution of the United States. The District Court erred in entering its order of March 10th, sustaining the motion to quash the writ of attachment, ordering the goods seized returned to appellee, and dismissing the complaint. That order is therefore reversed; the motion of the appellee filed in this court to dissolve the stay order entered by the District Court on March 17, 1943, is denied; and the cause is remanded to the District Court for further procedure in conformity with this opinion.”

On September 22, 1943, a petition for a writ of certiorari was filed on behalf of the claimant in the United States Supreme Court, and on October 25, 1943, the petition was denied. On November 15, 1943, the claimant filed an answer in the district court, denying that the product was adulterated or subject to seizure.

On or about January 7, 1944, the Government moved to amend the libel, to charge that the product was adulterated under Section 402 (a) (3) in that it consisted in whole or in part of a decomposed substance by reason of the presence of decomposed material, as evidenced by mold, rot fragments, fly eggs, and fly maggots. On January 26, 1944, the court granted the motion upon condition that the Government make available the results of its examination and established tolerances.

The amended libel was filed on February 4, 1944; and thereafter, the claimant filed an answer denying the allegation of adulteration in the amended libel and filed interrogatories. Objections to the interrogatories were filed on behalf of the Government, and on March 22, 1944, the court sustained the objections on the ground that Rule 33 of the Civil Rules excepts admiralty proceedings of the character presented in the instant case and that Admiralty Rule 31 did not open the way for such wide and unlimited use of interrogatories.



The case came on for trial before the court without a jury on April 9, 1946, and following the conclusion of the trial, the court on April 16, 1946, handed down the following memorandum opinion:

JONES, *District Judge*: "The United States, by amended complaint, seeks to condemn 935 cases, more or less, of tomato puree shipped in interstate commerce by The Ladoga Canning Company, Lebanon, Ind., as consignor to the Weideman Company in Cleveland, as consignee.

"Several samples of the tomato puree were seized and examined by the Food and Drug Administrator in the warehouse or storeroom of the consignee.

"The consignor has answered and while admitting certain procedural allegations denies the charges respecting the adulterated character of the tomato puree; denies that it is subject to seizure and confiscation and denies that it was shipped contrary to the jurisdiction of the United States and this Court.

"In view of certain stipulations and the fact that findings and conclusions probably later will be presented for adoption it seems unnecessary to review or summarize the evidence, but only to set down the Court's consideration of and conclusions upon the issues presented.

"In general, two main questions require response. First, were the samples seized representative of the article or product shipped in interstate commerce, and second, does the evidence support the Government's charge that the tomato puree should be condemned as being adulterated within the meaning of Section 342 (a) (3) of Title 21, United States Code?

"It seems reasonable to construe the jurisdictional and procedural statute (Section 334) and the word 'article' used therein to include an entire shipment of the same product regardless of the fact that some cases or cans of the product in the shipment were so labeled or coded by the shipper as to indicate different dates of canning. I think the 'article,' as used in the statute, is the product shipped in the cases or cans and not the individual cases or cans. It would be impractical for the Government to examine samples from each case or can in the shipment on the theory that each case or can was an 'article' in the sense of the statute. If the samples are reasonably representative of the lot shipped—that is, taken at wide random from the entire shipment it is in my opinion sufficient to embrace the entire shipment in the condemnation.

"As to the question of the construction of the statute claimed for by the defendant during the trial—that the words 'if it is otherwise unfit for food' modify, limit or add any additional requirement of proof to the preceding words, I do not so interpret the language even though one may concede that the Congress, to the extent of its power, was by law intending to protect the public from food unfit for human consumption. On the contrary, while I think that it is not compelled or essential, there may be drawn a fair inference from the language that Congress considered that proof of the condition described made the particular article or product unfit for food.

"The evidence of the Government is that upon examination the samples taken show a substantial state of decomposition of the puree due to the presence of an excessive mold count, rot fragments, fly eggs and fly maggots and that this condition undoubtedly was due to the use of rotten tomatoes, since no one asserts that such condition likely could come into existence after sealing of the cans.

"The defendant offered testimony to show the care with which its tomato puree was prepared for canning and also evidence to support its claim that the product in question can not, under the most careful supervision, escape entirely having some substances such as the Government claims existed in the samples; that the Administrator of the Food and Drug Act recognized this situation and circulated certain information respecting tolerances which would be recognized in the determination of whether the particular product came within the requirements of the statute. However that may be, difficulty in producing a product which is not in whole or in part decomposed in the sense of the statute furnishes no exception to the legislative requirement or inhibition. The fact that a product can not be prepared and shipped in interstate commerce except in a decomposed or rotted state certainly can not justify permitting it so to be transported considering the plain language and purpose of the statute; nor are conditions of weather or methods of canning important.



if the product is found to be decomposed and rotten upon examination following interstate shipment. These considerations, as they seem to me, are not entirely to be waved aside by the fact that certain tolerances or allowances may have been recognized by the Food and Drug Administrator in the administration of the statute. If the product was under the evidence in a state of substantial decomposition and rotten, as those terms are well understood, that ends their right to interstate shipment and condemnation is in order.

"The present statute supersedes any earlier regulation of the Food and Drug Administrator and while recognition of practices or tolerances adopted by the administrator is to be taken into account and given due weight in applying the statute, the fact remains that here the evidence, in my view, shows an excess of substantial parts above the tolerances adopted, and it must be borne in mind that Section 336 of the Act does not directly authorize exemptions but specifically gives the Administrator a discretion not to report or prosecute minor violations.

"That this is a conclusion rightly to be reached will be understood by reference to Section 345, wherein the Administrator is given power to promulgate regulations exempting certain requirements, and Section 346 authorizes regulations for tolerances in respect of poisonous ingredients. No such provision for regulation making exemptions, or for tolerating unavoidable ingredients is provided with respect to Section 342 (a) (3).

"Nor am I impressed with the testimony that the variable sense of smell and taste is more dependable in detecting rot than the microscopic procedure adopted by the Government. Certainly the question of adulteration would rest upon tenuous ground if reliance or conclusion as to the character of the product shipped were bottomed upon conflicting evidence as to the smell or taste of the article sought to be condemned.

"It is probably true that there will be a difference of opinion even under the microscopic procedure but for the want of a more reliable test it seems reasonable to accept such results depending, of course, upon the Court's conclusion as to the credibility of the witnesses testifying and giving their opinions upon that subject.

"The Act must be interpreted liberally in the interest of the congressional purpose to prohibit the transportation of adulterated foods in interstate commerce. In my judgment the Government has sustained the burden of proof and it follows from what has been said that condemnation of the entire shipment of tomato puree must be ordered.

"Proposed findings and conclusions may be submitted for approval and adoption accordingly.

"After entry of a decree carrying into effect the judgment of the Court the defendant, or condemnee, may have the benefit of the provisions of Section 334 (d)."

A motion for summary judgment subsequently was filed by counsel for the claimant, based on the decision in the case of *Sligh v. Kirkwood*, 237 U. S. 52. On October 9, 1946, the court (Jones, District Judge) denied the motion, ruling "I do not find in the opinion any ruling or conclusion to justify this Court in reversing its decision in respect of the interpretation of the statute in question."

On December 5, 1946, findings of facts and conclusions of law were filed; and on April 15, 1948, judgment of condemnation was entered and the product, with the consent of the claimant, was ordered destroyed.

**14740. Adulteration of tomato puree. U. S. v. 253 Cases \* \* \* (and 3 other seizure actions).** (F. D. C. Nos. 24331, 24390, 24461, 24491. Sample Nos. 18522-K, 18526-K, 18675-K, 18679-K.)

**LIBELS FILED:** February 6 and March 2 and 17, 1948, Eastern District of Kentucky and Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about November 1 and 15, 1947, by D. E. Foote & Co., Inc., from Baltimore, Md.

PRODUCT: 529 cases at Covington, Ky., and 1,082 cases at Cincinnati, Ohio, each case containing 48 10½-ounce cans of tomato puree.

LABEL, IN PART: (Can) "Family Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 14 and 26, 1948. D. E. Foote & Co., Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. A total of 1,195½ cases were seized under the four lots. Of these, 275 cases and 19 cans were segregated as satisfactory, and the remainder was destroyed.

14741. Adulteration of tomato puree. U. S. v. 321 Cases \* \* \*. (F. D. C. No. 26251. Sample Nos. 44324-K, 44327-K.)

LIBEL FILED: January 4, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 1, 6, and 22, 1948, by the Mays Packing Co., Mays, Ind.

PRODUCT: 321 cases, each containing 6 No. 10 cans, of tomato puree at Columbus, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 11, 1949. Default decree of destruction.

14742. Adulteration of tomato puree. U. S. v. 126 Cases \* \* \*. (F. D. C. No. 24436. Sample No. 22635-K.)

LIBEL FILED: February 9, 1948, Western District of Louisiana.

ALLEGED SHIPMENT: On or about October 15, 1947, by the Uddo & Taormina Co., from Crystal Springs, Miss.

PRODUCT: 126 cases, each containing 100 4¾-ounce cans, of tomato puree at West Monroe, La.

LABEL, IN PART: "Baby Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: October 7, 1948. Default decree of condemnation and destruction.

14743. Adulteration and misbranding of tomato puree. U. S. v. 95 Cases \* \* \*. (F. D. C. No. 26286. Sample No. 23331-K.)

LIBEL FILED: January 14, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 5, 1948, by the Taormina Co., from Donna, Tex.

PRODUCT: 95 cases, each containing 6 No. 10 cans, of tomato puree at Baton Rouge, La.

LABEL, IN PART: "Red Bird Tomato Puree."



**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (It contained decomposed tomato material.)

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree. (The product contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the standard.)

**DISPOSITION:** March 2, 1949. Default decree of condemnation and destruction.

**14744. Adulteration of tomato puree and adulteration and misbranding of canned tomatoes. U. S. v. Paul Coccia (Paul Coccia's Cannery). Plea of guilty. Fine, \$250 on one count; imposition of sentence on remaining counts suspended, and defendant placed on probation for 5 years. (F. D. C. No. 25601. Sample Nos. 9568-K, 12565-K to 12567-K, incl.)**

**INFORMATION FILED:** January 6, 1949, District of New Jersey, against Paul Coccia, trading as Paul Coccia's Cannery, Camden, N. J.

**ALLEGED SHIPMENT:** On or about May 13 and 16 and June 11, 1948, from the State of New Jersey into the States of New York and Pennsylvania.

**LABEL, IN PART:** "Alesco Brand \* \* \* Tomato Puree [or "Tomatoes"] Packed for New Jersey Italian Food Products Co. Newark, New Jersey," "Coccia Brand \* \* \* Tomato Puree," or "Fort Crawford [or "Prairie City"] \* \* \* Tomatoes Packed by Prairie City Canning Co. Prairie Du Chien, Wis."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding (portion), Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. The label bore the statement "Packed by Prairie City Canning Co. Prairie Du Chien, Wis.," which was incorrect since the product was not packed by the Prairie City Canning Co., Prairie du Chien, Wis.

**DISPOSITION:** March 11, 1949. A plea of guilty having been entered, the defendant was fined \$250 on one count. Imposition of sentence was suspended on the remaining counts, and the defendant was placed on probation for a period of 5 years.

**14745. Adulteration of canned tomatoes. U. S. v. Robert Earl Craddock, Sr. (Halls Canning Co.). Plea of nolo contendere. Fine, \$350. (F. D. C. No. 26326. Sample No. 22966-K.)**

**INFORMATION FILED:** On or about February 15, 1949, Western District of Tennessee, against Robert Earl Craddock, Sr., an individual, doing business as the Halls Canning Co., Halls, Tenn.

**ALLEGED SHIPMENT:** On or about August 7, 1948, from the State of Tennessee into the State of Alabama.

**LABEL, IN PART:** "Pride of Halls Tomatoes Halls Canning Company Halls, Tenn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 5, 1949. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$350.

**14746. Adulteration of canned tomatoes. U. S. v. 47 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 25876, 25877. Sample Nos. 23621-K, 23624-K.)

LIBELS FILED: October 25, 1948, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about August 24, 1948, by the Humboldt Canning Co., from Humboldt, Tenn.

PRODUCT: 47 cases and 178 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Columbus, Miss.

LABEL, IN PART: "Dyer Brand Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 2, 1948. The sole intervener having consented to the entry of decrees, judgments were entered ordering the product destroyed.

**14747. Misbranding of canned tomatoes. U. S. v. 430 Cases \* \* \*. (F. D. C. No. 26216. Sample No. 7881-K.)**

LIBEL FILED: December 9, 1948, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 6, 1948, by the Ariston Canning Co., from Cologne, N. J.

PRODUCT: 430 cases, each containing 24 cans, of tomatoes at Johnstown, Pa.

LABEL, IN PART: "Asco Brand Tomatoes Net Weight 1 Lb. 12 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 1 pound and 12 ounces, the declared weight.)

DISPOSITION: January 10, 1949. The Ariston Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the sorting and separation of the cans that were full weight from those that were short weight and correctly relabeling the latter, under the supervision of the Food and Drug Administration. Of the 353 cases seized, 324 cases were relabeled.

**14748. Misbranding of tomato catsup. U. S. v. 64 Cases \* \* \*. (F. D. C. No. 25264. Sample No. 28573-K.)**

LIBEL FILED: September 1, 1948, District of Wyoming.

ALLEGED SHIPMENT: On or about June 22, 1948, by the Woods Cross Canning Co., from Clearfield, Utah.

PRODUCT: 64 cases, each containing 6 cans, of tomato catsup at Sheridan, Wyo.

LABEL, IN PART: "Woods Cross Brand Tomato Catsup Net Contents 8 Lbs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans were short-weight.)

DISPOSITION: May 25, 1949. The Woods Cross Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.



## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**14749. Adulteration and misbranding of minerals with yeast. U. S. v. 96 Bags**  
\* \* \*. (F. D. C. No. 26259. Sample No. 29616-K.)

**LIBEL FILED:** January 13, 1949, District of Colorado.

**ALLEGED SHIPMENT:** On or about April 6, 1948, by the Yeastex Co., from Monticello, Iowa.

**PRODUCT:** 96 100-pound bags of minerals with yeast at Denver, Colo.

**LABEL, IN PART:** "Reel Minerals With Live Cell Yeast."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, iodine, had been in part omitted or abstracted therefrom.

Misbranding, Section 403 (a), the statement on the label of the product "Guaranteed Analysis Maximum Calcium (Ca) 18.00 percent \* \* \* Minimum Iodine (I) .03 percent" was false and misleading since the product contained more than 18 percent calcium and less than .03 percent iodine.

**DISPOSITION:** February 25, 1949. The Yeastex Co., Monticello, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**14750. Adulteration and misbranding of Paracelsus. U. S. v. 24 Cans** \* \* \*.  
(F. D. C. No. 24898. Sample No. 34235-K.)

**LIBEL FILED:** June 29, 1948, Northern District of California.

**ALLEGED SHIPMENT:** By the American Biochemical Corp., from Cleveland, Ohio. The product was shipped on or about May 3, 1948, and a number of reprints from the Lets Live Newsmagazine were shipped during February 1948.

**PRODUCT:** 24 cans of Paracelsus, each containing 1-pound, 5-ounces, at Oakland, Calif., together with a number of reprints from the Lets Live Newsmagazine entitled "Malnutrition, Disease, Due to Mineral Lack." Examination showed that the product was a mineral mixture containing per  $\frac{3}{4}$  teaspoon, 66 milligrams of calcium and 0.55 milligram of iron, or 8.8 percent of the adult minimum daily requirements for calcium and iron.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, iron and calcium, had been in part omitted from the article.

Misbranding, Section 403 (a), certain statements in the reprint were false and misleading since they represented and suggested that the article was effective to prevent and cure malnutrition and disease, to provide pep, to stimulate hormone production, and to prevent and cure arthritis, and that all individuals suffered from mineral deficiency and would benefit by use of the article. The article was not effective for such purposes and was not capable of fulfilling the promises of benefit stated and implied.

Further misbranding, Section 403 (a), the following label statements were false and misleading since if taken as directed the article would supply materially less calcium and iron than stated:

When Taken According to Direction Will Supply Percentage of Daily Requirements as Listed :

	Calcium	Iron
Man -----	13. 50%	16. 00%
Woman -----	13. 50%	16. 00%
Pregnancy latter half -----	7. 00%	12. 75%
Lactation -----	5. 25%	12. 75%
Children 1 to 9 years -----	10. 75%	19. 20%
Children 10 to 12 years -----	9. 00%	16. 00%
Girls 13 to 15 years -----	8. 00%	13. 00%
Boys 13 to 15 years -----	7. 50%	13. 00%
Girls 16 to 20 years -----	10. 50%	13. 00%
Boys 16 to 20 years -----	7. 50%	13. 00%
* * *	* * *	* * *

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2585.

DISPOSITION: September 21, 1948. Default decree of condemnation and destruction.

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<sup>1</sup> (14739) Seizure contested. Contains opinions of circuit court and district court.



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<sup>1</sup> (14739) Seizure contested. Contains opinions of circuit court and district court.



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